



Promoting the wise use of land
Helping build great communities

7-1
COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Tentative Notice of Action

MEETING DATE March 4, 2005 EFFECTIVE DATE March 19, 2005	CONTACT/PHONE Lauren Lajoie, Director Lajoie Planning Services 545-7738	APPLICANT Vogel/Nextel	FILE NO. DRC2004-00042
SUBJECT Request by Nextel for a Minor Use Permit to allow two 240 square foot equipment shelters to be placed inside an existing equipment compound and the installation of sixteen six-foot panel antennas mounted on ten-foot poles. This request will accommodate Nextel's facility and authorize a future carrier. The site currently accommodates two wireless communication facilities. The project will result in the disturbance of approximately 1200 square feet of an approximately 558-acre parcel. The proposed project is within the Agriculture land use category and is located at 1975 Lucy Brown Road, approximately 0.5 miles west Highway 46/41 and approximately four miles southwest from the community of Cholame. The site is in Shandon-Carrizo planning area.			
RECOMMENDED ACTION 1. Consider and rely on the Negative Declaration (ED04-339) that was previously adopted on November 29, 2002 (ED01-620) in accordance with the applicable provisions of the California Environmental Quality Act. 2. Approve Minor Use Permit DRC2004-00042 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION Consistent with previously issued Negative Declaration (ED04-339).			
LAND USE CATEGORY Agricultural	COMBINING DESIGNATION None Applicable	ASSESSOR PARCEL NUMBER 017-131-018	SUPERVISOR DISTRICT 1
PLANNING AREA STANDARDS: Not applicable			
LAND USE ORDINANCE STANDARDS: Not applicable			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on March 19, 2005, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

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EXISTING USES: Wireless telecommunication facilities; agricultural development	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture- Grazing land; Highway 41; Choalme Creek <i>East:</i> Agriculture- Grazing lands; scattered single family residences <i>South:</i> Agriculture - Grazing land; scattered single-family residences <i>West:</i> Agriculture - grazing land; Highway 41 Choalme Creek	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: Agriculture Department, Environmental Health, California Department of Forestry	
TOPOGRAPHY: Gently to steeply sloping	VEGETATION: Grasses; forbs
PROPOSED SERVICES: Water supply: N/A Sewage Disposal: N/A Fire Protection: California Department of Forestry	ACCEPTANCE DATE: December 10, 2004

DISCUSSION

The project is located approximately 900 feet northeast of the existing residence located on Lucy Brown Road, approximately 0.5 miles west of Highway 46/41, and four miles southwest of the community of Cholame. The area's topography is gently sloping near the highway and moderately to steeply sloping hillsides on the parcel. The proposal consists of the installation of two wireless communication facilities. Each carrier will place a 240 square foot equipment shelter inside an existing equipment compound and install eight panel antennas mounted on ten-foot poles.

Two wireless facilities are located on the project site. The existing Cellular One wireless telecommunications facility is located on a hilltop and consists of one 65-foot tall monopole with two whip antennas and one equipment shelter. This project was approved in 1996 (D940065D). The Cellular One facility is visible from Highway 46/41 and silhouettes for approximately one minute and forty-five seconds as seen from eastbound lanes and two minutes and seventeen seconds from westbound lanes. A ten second break in the sighting of the pole occurs after passing the community of Cholame.

The existing Cingular wireless telecommunications facility consists of two sets of four eleven-foot tall stub-mounted antennas and equipment shelter. In order to mitigate for cumulative visual impacts, Cingular was conditioned to bunker all proposed and existing equipment into the hilltop and construct an earthen berm around the equipment area. The existing berm shields the equipment from Highway 46/41, eliminates silhouetting, and provides additional backdrop for the stub-mounted antennas.

Both Nextel and the future carrier's equipment will be collocated in the existing equipment area and will not be visible from public roadways. The proposed antennas will be located below the ridgeline and will not silhouette. Based on the proposed antenna configuration additional landscaping may be required to be placed behind the antennas if they are visible. After construction, if necessary for visual screening, drought-tolerant shrubs will be installed and a temporary water tank will provide irrigation. If required, the water tank shall be painted dark-green or black and shall be located to avoid silhouetting. The applicant shall also use paint to camouflage the improvements as approved by the County of San Luis Obispo for all equipment, stub-mounts, and antennas.

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Planning Department Hearing
DRC2004-00042/Vogel/Nextel
Page 3

LAND USE ORDINANCE STANDARDS:
SECTION 22.30.180 - COMMUNICATIONS FACILITIES
RF Report

The communication facilities section of the County Land Use Ordinance requires that applications for communication facilities provide estimates of non-ionizing radiation generated and/or received by the facility. The report prepared for this project concluded that highest possible level of RF that could be produced by this site would be much less than the prevailing standards set forth by the FCC, presenting no real impact to the environment or general public. Prior to the issuance of a construction permit for the improvements associated with the future, the project has been conditioned to require the applicant to submit a cumulative RF report

Co-Location

The Land Use Ordinance requires applicants to use existing structures when feasible. This site contains two existing wireless facilities. The equipment shelter associated with the proposed project is located in the existing bunker equipment compound. Placing the antennas on the existing structures is not desirable at this location because multiple shorter poles will be less visually obtrusive than adding additional clutter to the existing highly visible monopole.

AGENCY REVIEW:

Agriculture Department – Less than significant impacts
California Department of Forestry – Fire Safety Plan dated September 22, 2004
Environmental Health – Requires review and clearance

Staff report prepared by Lauren Lajoie, Lajoie Planning Services
and reviewed by Marsha Lee, County Coastal Planner

EXHIBIT A - FINDINGS

Environmental Determination

- A. The previously adopted Negative Declaration originally issued November 29, 2003 (ED01-620) is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Negative Declaration was adopted.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because communications facilities are an allowed use and is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the unmanned wireless communication facility does not generate activity that presents a potential threat to the surrounding property and buildings and the Radio Frequency report prepared for this site concluded the maximum cumulative RF level that will be generated is 10% of the applicable public limit. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. As conditioned, the proposed project or use will not be inconsistent with the character of the immediate area or contrary to the orderly development because the site currently contains two wireless communications facilities and the proposed use is similar to and will not conflict with the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Lucy Brown Road, a local road constructed to a level able to handle any additional traffic associated with the project. The only traffic associated with the project is a single vehicle performing routine maintenance every four to six weeks.

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EXHIBIT B
CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes the installation and operation of two wireless communications facilities including the following improvements:
 - a. Sixteen approximately six-foot tall antennas mounted on eight- ten foot tall posts
 - b. Two 240 square foot equipment shelter within an existing compound
 - c. All antennas and FCC required fencing shall be located below the ridge line and shall not silhouette against the sky

Site Development

2. Site Development shall be consistent with the approved site plan and elevations.
3. The maximum height of the antennas shall not exceed 10 feet above existing grade. The improvements, including the antennas and equipment shelter, shall not be visible from Highway 46/41.
4. If new technology is developed that reduces the impacts of the proposed project, the applicant agrees to install such improvements within 6 months of notification by the county.
5. The facility shall not be operated until all conditions of approval have been met and all required building permits have received final inspection.

Co-location

6. The applicant agrees to allow other carriers to co-locate at this site, if technically feasible, subject to land use permit approval.

Site Restoration

7. **Prior to issuance of a construction permit**, the applicant shall post a performance bond with the County in an amount commensurate with the cost of facility removal and site restoration. The performance bond shall be released by the County at the time the facility is removed and the site is restored.
8. All obsolete or used facilities shall be removed within twelve months of cessation of the applicant's wireless communication operations on the site. The applicant shall be responsible for the removal of such facility and all associated structures and restoration of the site to pre-project condition. Restoration does not include removal of vegetation planted to provide visual screening. At the time the use of the facility is discontinued the owner of the facility must notify the Department of Planning and Building.

Visual/Aesthetic impacts

9. **Prior to issuance of building permit**, the applicant shall submit a color board for all proposed improvements. The mounts and antennas shall be a camouflage color.

10. **Prior to final inspection**, the applicant shall paint the proposed mounts and antennas with a muted matte camouflage color approved by the Department of Planning and Building. The colors shall be maintained for the life of the project. Repainting and maintenance shall occur as necessary.
11. **Prior to final inspection**, the Department of Planning and Building shall verify that the equipment shelter is bunkered adequately below grade so as to not be visible from any public road. In addition, no fencing shall be visible from public roadways.

Undergrounding of Utilities

12. The applicant shall install all utilities serving the project underground rather than by use of poles and overhead lines.

Electric and Magnetic Fields

13. The facility shall be designed and operated to ensure that power densities received from transmissions, with all transmitters at the site transmitting at full power, will comply with federal law and regulation.
14. **Prior to the issuance of a construction permit for the forth carrier**, the applicant shall submit a revised RF report clearly indicating the location and estimates of emissions from all existing and approved facilities on this site.

Explanatory Warning Signs for Occupational Exposures

15. **Prior to final inspection**, explanatory warning signs* to prevent occupational exposures in excess of the FCC guidelines are to be posted at the site entrance gate and on or at the barrier fence and antennas such that they would be readily visible from any angle of approach to persons who might need to work near the antennas. (*Warning signs should comply with ANSI C95.2 color, symbol, and content conventions. In addition, contact information should be provided (e.g., a telephone number) to arrange for access to restricted areas.)

Biological Resources

16. **Prior to issuance of building permit**, the applicant shall retain a qualified biologist acceptable to the U.S. Fish and Wildlife Service, California Department of Fish and Game and the San Luis Obispo County Department of Planning and Building/Environmental Division. The retained biologist shall perform the following monitoring activities:
 - a) Prior to issuance of building permit and within 30 days prior to initiation of construction, conduct a pre-construction survey for active kit fox dens and submit a letter to the Department of Planning and Building confirming the completion and results of pre-construction survey and compliance Condition 16; and
 - b) Conduct weekly site visits during construction activities and submit weekly reports to the Department of Planning and Building to ensure compliance with Conditions 17 through 23.

17. **Prior to issuance of building permit**, roads on the subject property shall be posted with a 15-mile per hour speed limit or lower to reduce the likelihood of road mortality of the San Joaquin kit fox. In addition, vehicular activity between dusk and dawn shall be kept to a minimum. Retained biological monitor shall discuss compliance in initial pre-construction survey letter.
18. **Prior to site disturbance**, all personnel associated with the project shall attend a worker education program conducted by the retained biological monitor regarding the San Joaquin kit fox. Specifics of this program should include San Joaquin kit fox life histories and careful review of the mitigation measures implemented to reduce impacts. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Department of Planning and Building shall be notified of the time that the applicant intends to hold this meeting.
19. To prevent entrapment of the San Joaquin kit fox during the construction phase of the project, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped San Joaquin kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped San Joaquin kit fox. Any San Joaquin kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
20. **During the construction**, any pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at the project site for one or more overnight periods shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a San Joaquin kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary will be moved only once to remove it from the path of activity, until the San Joaquin kit fox has escaped.
21. All food-related trash items such as wrappers, cans, bottles, and food scraps generated during the construction phase shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed. All waste products shall be disposed of in a manner that would not attract red fox, coyotes, or domestic dogs to the area.
22. Use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to prevent primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
23. No San Joaquin kit fox dens were observed during the field surveys. However, if any potential or known San Joaquin kit fox dens are subsequently observed during the required pre-activity survey, the following mitigation measures shall apply:

- a) Fenced exclusion zones shall be established by the retained biological monitor around all San Joaquin kit fox dens that can be avoided but may be inadvertently impacted by project activities. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - Potential San Joaquin kit fox den: 50 feet
 - Known San Joaquin kit fox den: 100 feet
 - San Joaquin kit fox pupping den: 150 feet
 - b) Only essential vehicle operation on existing roads (if the exclusion zone intersects a road) and simple foot traffic shall be permitted within these exclusion zones. Otherwise, all project activities such as vehicle operation, materials storage, etc., shall be prohibited. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed. If specified exclusion zones cannot be observed for any reason, the U.S. Fish and Wildlife Service and California Department of Fish and Game shall be contacted for guidance prior to ground disturbing activities on or near the subject den or burrow.
 - c) If any known or potential San Joaquin kit fox dens are discovered within the building envelope which shall be unavoidably destroyed by the proposed project, excavation of San Joaquin kit fox dens shall not proceed without authorization from the U.S. Fish and Wildlife Service and California Department of Fish and Game.
24. Any project contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to a supervisor overseeing the project or operation. In the event that such observations are made of injured or dead San Joaquin kit fox, the applicant shall immediately notify the US Fish and Wildlife Service and the California Department of Fish and Game by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the California Department of Fish and Game for care, analysis, or disposition.

Landscape Plan

25. **After installation**, if the antennas are visible from, the applicant shall submit landscape, irrigation and landscape maintenance plans to the Department of Planning and Building for review and approval. Plans shall be prepared by a landscape professional and shall include location and species of all proposed plant materials and method of irrigation. All proposed material shall be consistent with existing vegetation. The plan shall indicate the type of existing vegetation.
26. **Prior to final inspection**, the applicant agrees to install the landscaping, as approved by the Department of Planning and Building.

27. **Prior to the issuance of a construction permit**, the applicant shall submit a fencing plan showing all proposed fencing. The plan shall indicate the type, height, material and location of all proposed fences. Fencing shall be the minimum necessary to meet FCC guidelines. All fences shall be designed and installed to minimize the visibility of the fences and all other improvements as viewed from public roadways.

Access

28. Site access for construction and maintenance shall be from existing roads only. No road improvements shall occur.

Mitigation Monitoring/Condition Compliance

29. **Prior to issuance of a construction permit**, a "condition compliance" sheet shall be added to construction plans that includes a complete copy of the final conditions of approval for the project.
30. **Prior to issuance of a construction permit**, the applicant shall identify a Mitigation Compliance Coordinator (MCC) to ensure all conditions of approval and mitigation requirements are met. The MCC shall be the County's contact and shall be responsible to ensure all mitigation requirements are met. A pre-construction meeting shall take place between the MCC and the County to review the application and establish the responsibility and authority of the participants.
31. **Prior to issuance of a construction permit**, the applicant shall identify a Mitigation Compliance Coordinator (MCC) to ensure all conditions of approval and mitigation requirements are met. The MCC shall be the County's contact and shall be responsible to ensure all mitigation requirements are met. A pre-construction meeting shall take place between the MCC and the County to review the application and establish the responsibility and authority of the participants.
32. **Prior to final inspection**, the MCC will incorporate the findings of the monitoring effort into a final comprehensive construction monitoring report to be submitted to the County of San Luis Obispo.

Archaeology

33. During construction, in the event archaeological resources are unearthed or discovered, the following standards apply:
- a. Construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be evaluated by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law. The applicant shall implement the mitigation as required by the Environmental Coordinator.
 - b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Fire Safety

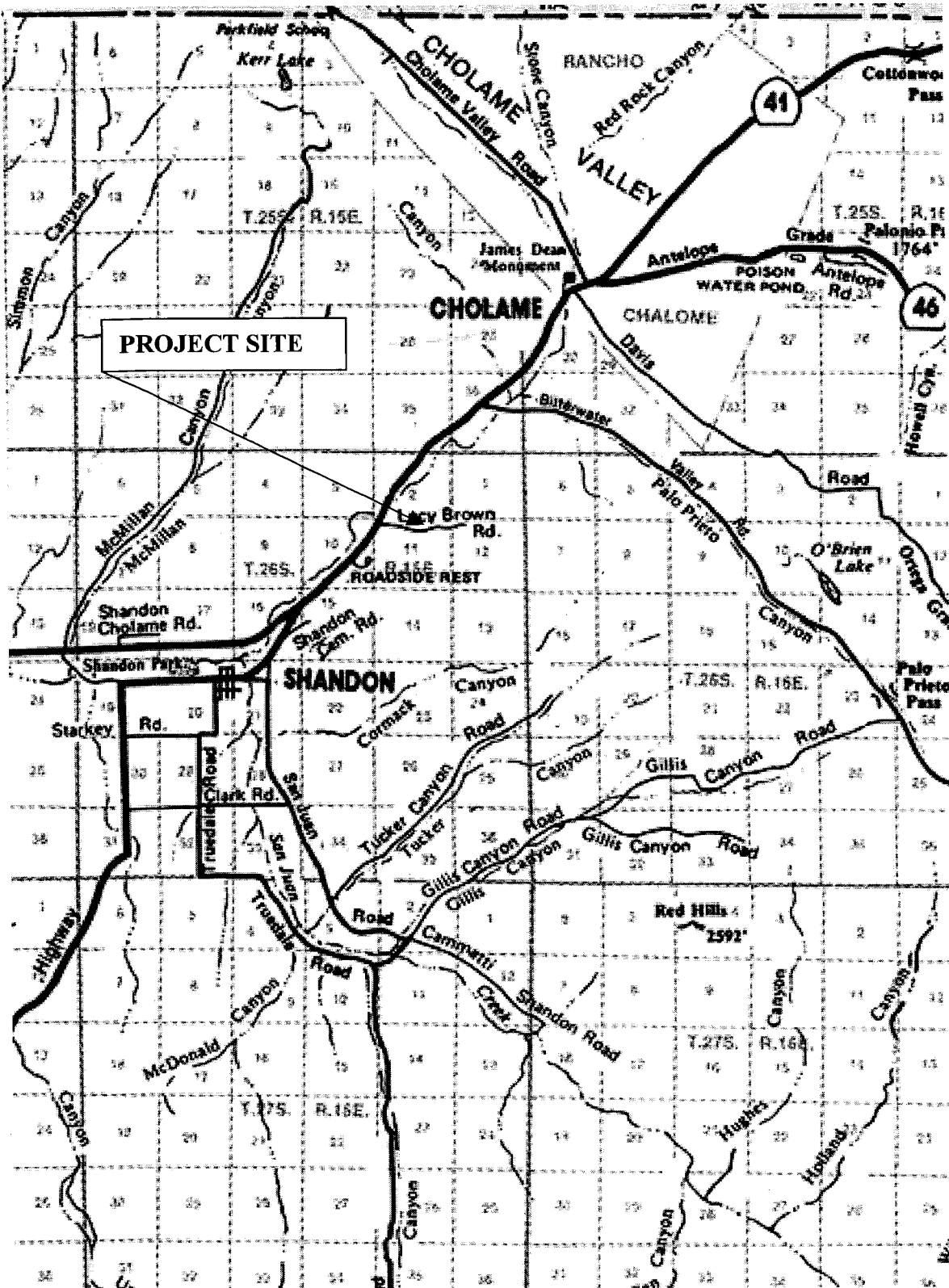
34. **Prior to final inspection**, the applicant shall meet all applicable CDF requirements.

Miscellaneous

35. **Prior to issuance of a construction permit**, the applicant shall provide verification from the San Luis Obispo County Air Pollution Control District that the project is exempt from the requirements of the Air Resources Board Air Toxics Control Measures.
36. **Prior to issuance of a construction permit**, the applicant shall provide verification from the San Luis Obispo County Environmental Health Department that the project meets all applicable requirements.
37. **Prior to final inspection**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval unless the condition requires earlier inspection.
38. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070.

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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



PROJECT

Vogel/Nextel
DRC2004-00042

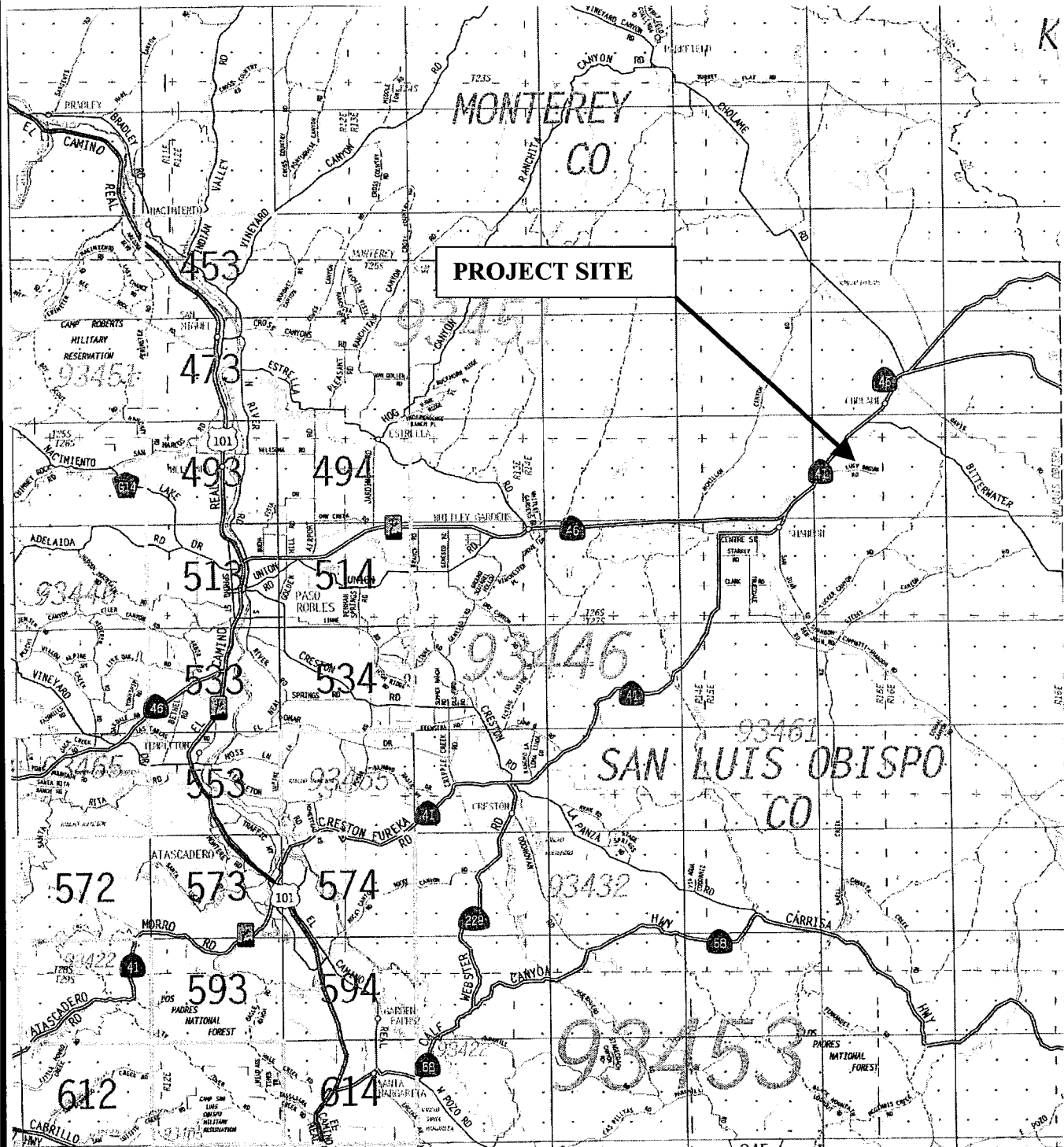


EXHIBIT

Site Vicinity

7-12

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



PROJECT

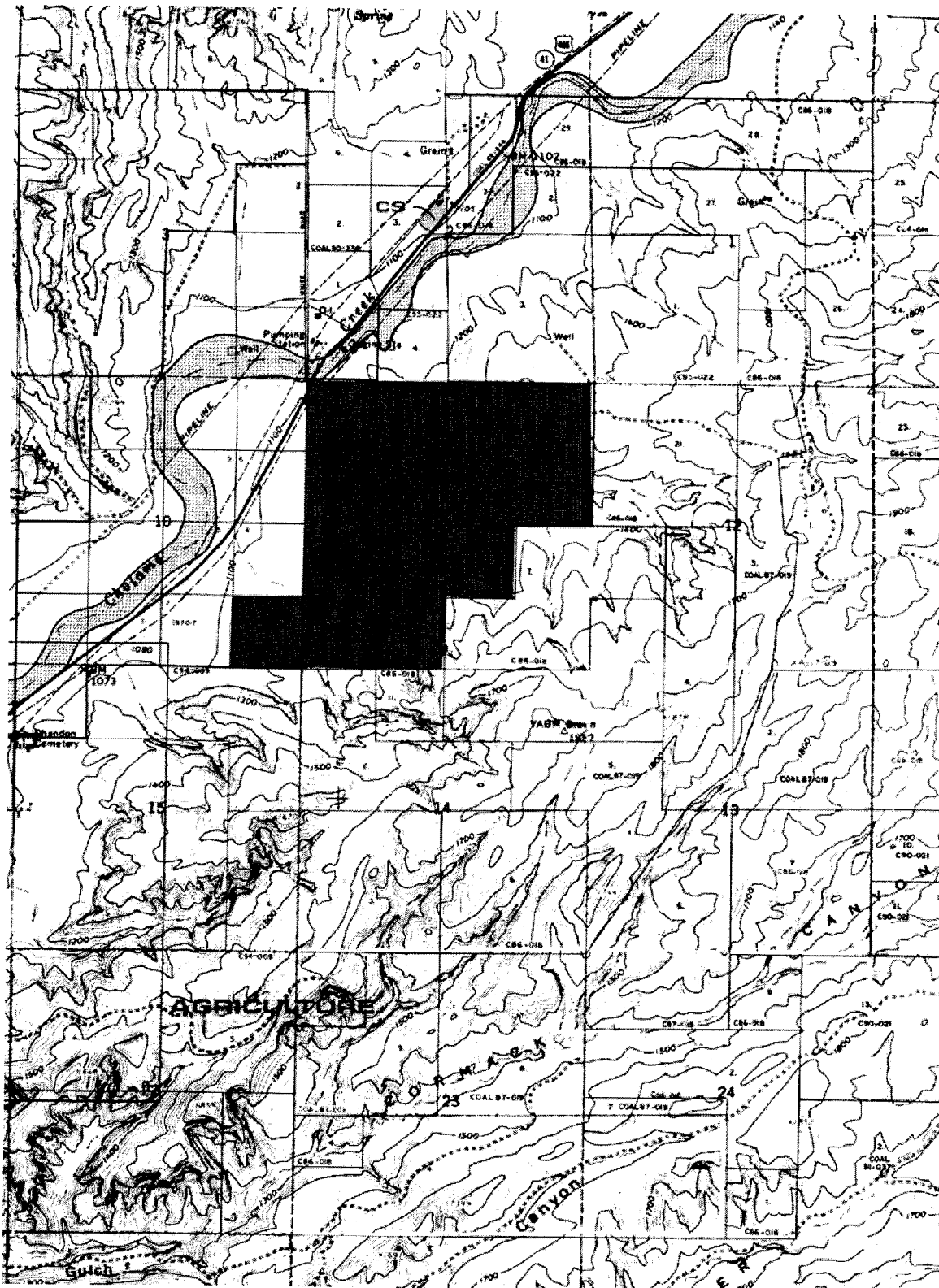
Vogel/Nextel
DRC2004-00042



EXHIBIT

Site Vicinity

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



PROJECT

Vogel/Nextel
DRC2004-00042

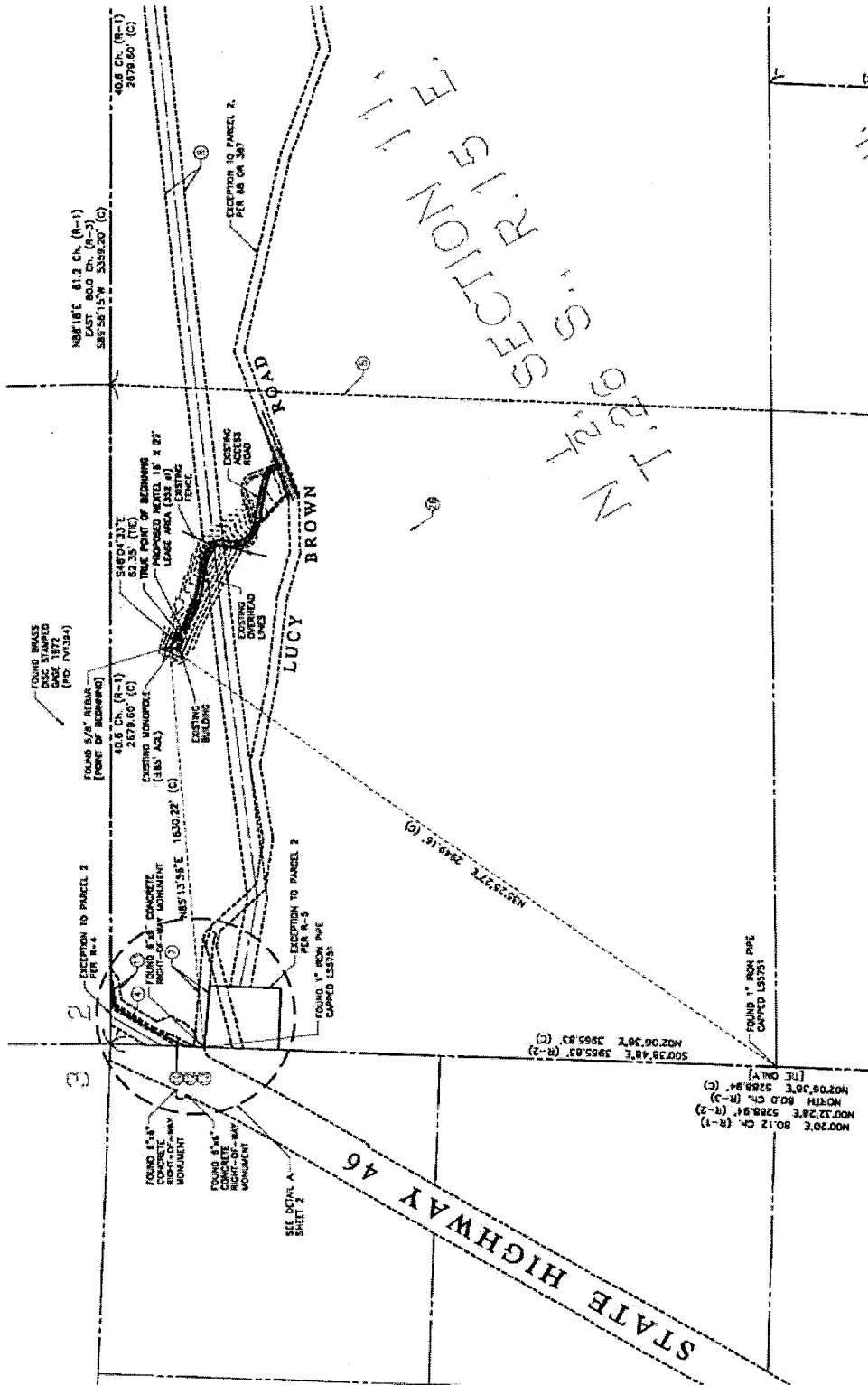


EXHIBIT

Land Use Category

7-14

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



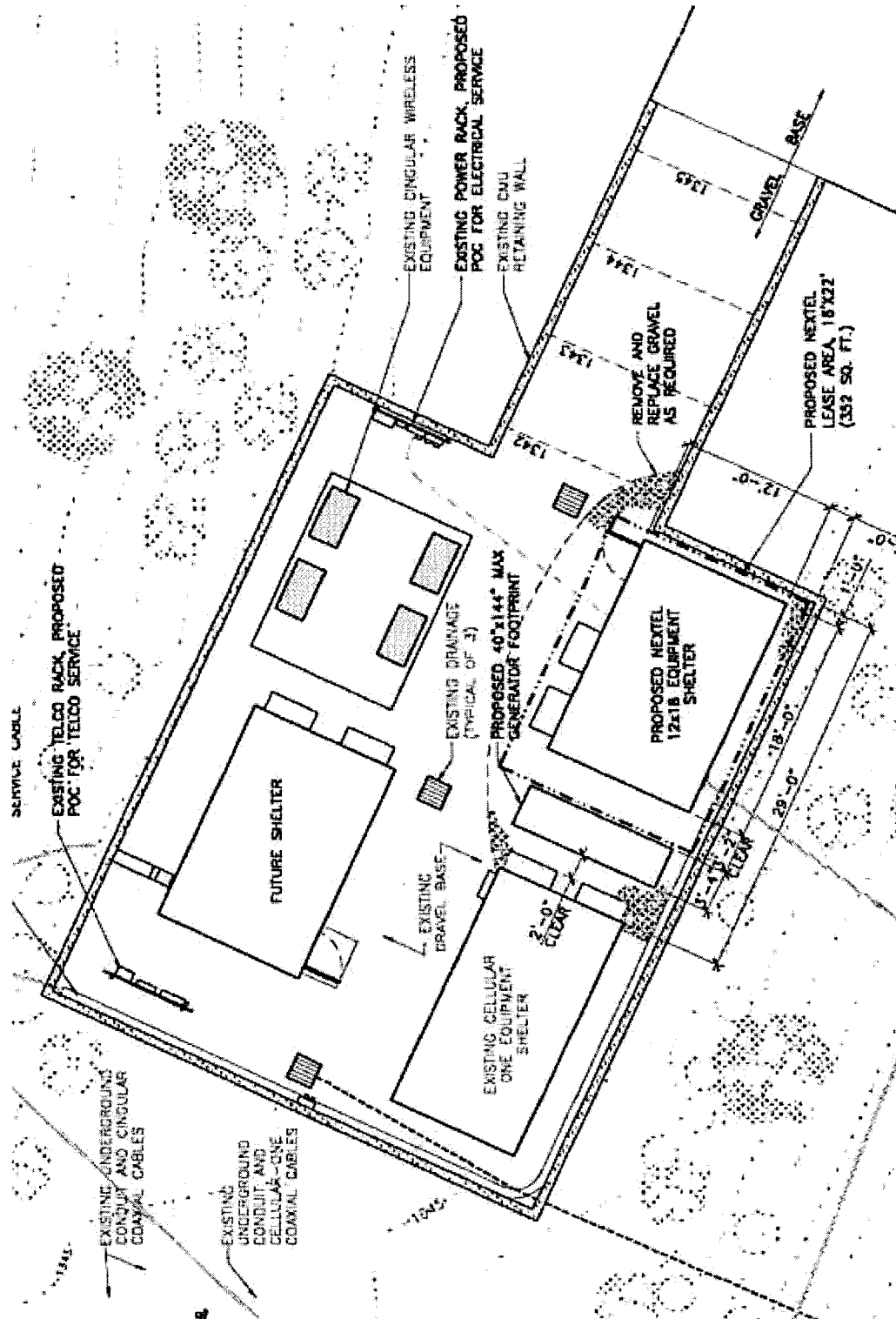
PROJECT

Vogel/Nextel
DRC2004-00042



EXHIBIT

Property Boundary

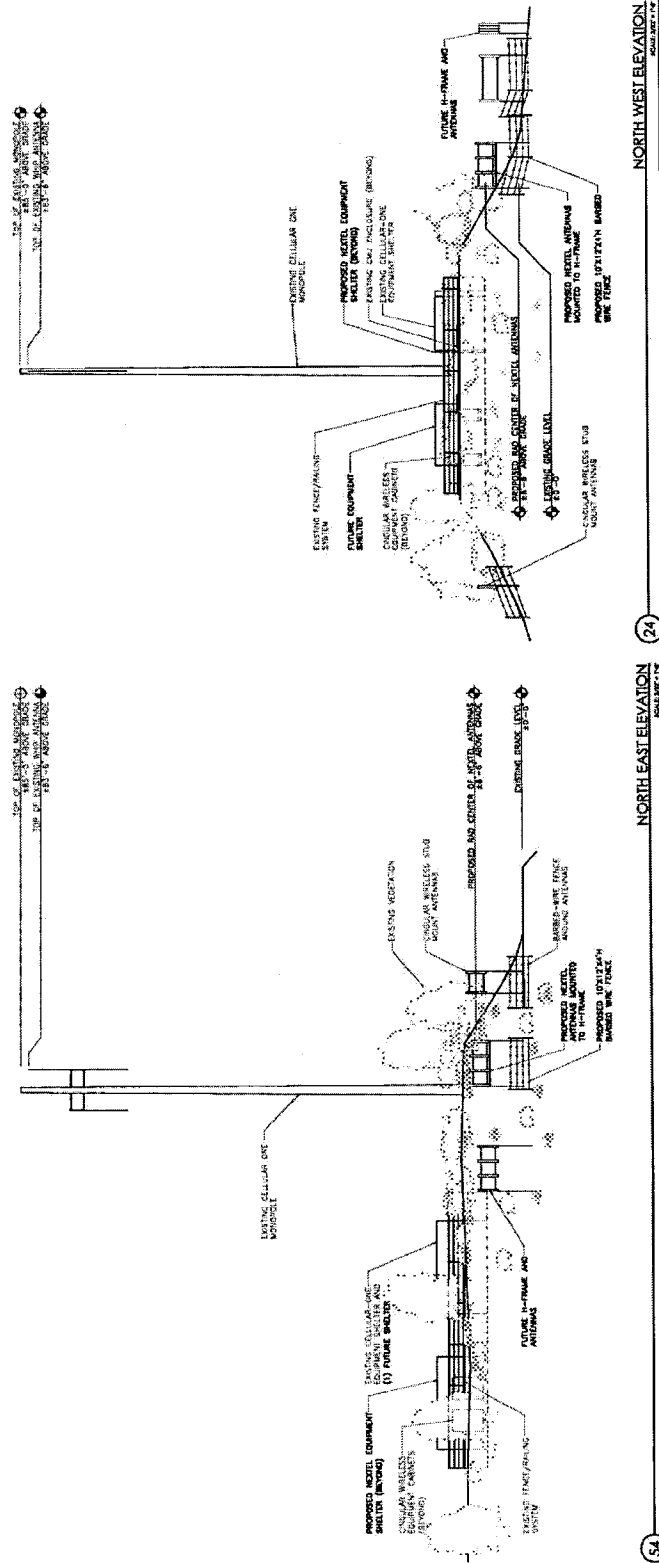


PROJECT

Vogel/Nextel
DRC2004-00042

**EXHIBIT**

Enlarged Site Plan



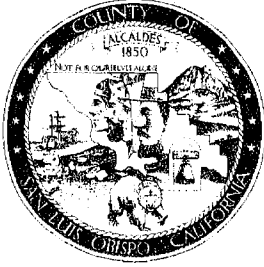
PROJECT

Vogel/Nextel
DRC2004-00042



EXHIBIT

Elevations



7-19
COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY
AGRICULTURAL COMMISSIONER/SEALER

(805) 781-5910

FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

DATE: September 22, 2004
TO: Marsha Lee, Planner III
FROM: Lynda L. Auchinachie, Agriculture Department *YLA*
SUBJECT: Vogel Minor Use Permit DRC2004-00042 (0939)

Summary of Findings

The Agriculture Department's review finds that the proposed Vogel Minor Use Permit for a cell site resulting in two approximately 250 square foot equipment shelter structures on an approximately 558 acre parcel currently used for grazing will have:

- ☐ **Potential** to create a significant environmental impact(s) to agricultural resources or operations.
- ☒ **Less than significant** impact(s) to agricultural resources or operations because the project will not result in the conversion of prime agricultural soils or be incompatible with existing on-site or adjacent agricultural uses. During construction activities, the responsible party should work with the property owner to minimize the disruption to existing grazing activities.
- ☐ No anticipated impact to agricultural resources or operations.

Comments and recommendations are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

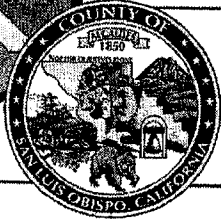
If you have questions, please call 781-5914.

LL / msl 7-20

RECEIVED

SEP 24 2004

Planning & Bldg



CDF/San Luis Obispo County Fire Department

635 N. Santa Rosa • San Luis Obispo • California 93405

September 22, 2004

County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Project Number: DRC2004-00042, Vogel

Dear North County Team,

I have reviewed the project for a wireless communication facility located at 1975 Lucy Brown Rd. Shandon, CA. This project is located approximately 5-10 minutes from the closest CDF/San Luis Obispo County Fire Station. The project is located in State Responsibility Area for wildland fires. It is designated a Moderate Fire Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein. Because this project is located in agriculture land, or an area designated sensitive habitat the following minimum requirements are required.

1. During construction, activities that pose an ignition source will have to comply with fire safety laws. This includes welding activities and use of heavy equipment. All equipment will have to be in compliance. Consideration of fuel breaks or other treatment in construction area. If a fire ignites due to construction activities the responsible party may be liable for suppression costs.
2. An access road and driveway that meets CDF requirements is not required but is recommended.
3. Maintain around all structures a 30 foot firebreak. This does not include fire resistive landscaping.
4. Maintain any tree adjacent to or overhanging any building free of deadwood.
5. Maintain the roof of any structure free of leaves, needles or other flammable material.
6. A fire extinguisher with a minimum rating of 4A 60BC is required inside the facility.
7. We recommend, not require, fire sprinklers or other extinguishing agent in the structure and a 2500 gallon water storage tank with a hydrant

7-21

If I can provide additional information or assistance on this mater please call me at (805)543-4244.

Sincerely,

Jane Schmitz

Jane Schmitz, Fire Apparatus Engineer

Cc: William K. Vogel



m.s.L.

7-22
8
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDINGVICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

8/25/04

TO:

Env. Health - FY1

FROM:

North Co. Team

(Please direct response to the above)

Vogel

DRC2004-00042

Project Name and Number

Development Review Section (Phone: 781-788-2009)

PROJECT DESCRIPTION:

mup - Cell site for Nextel on existing multi-carrier communication site. Located in Shandon off Lucy Brown Rd. Southeast of Hwy. 41. See info. & details enclosed.

Return this letter with your comments attached no later than:

9/9/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☐ YES
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Concerns would be the potential for hazardous materials used/stored at the cell site. Applicant shall contact Jeff Poll, hazardous material supervisor, in order to determine if a hazardous materials business plan is necessary.

9/10/04

Date

Lauri Salo

Name

781-5551

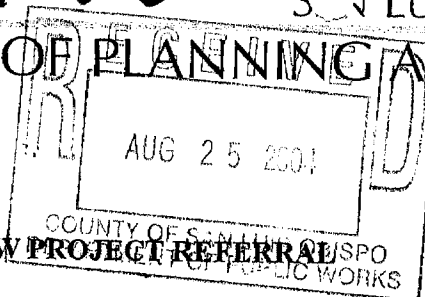
Phone



7-23
mjl
S. LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL



DATE:

8/25/04

FROM

PW

FROM
LO

North Co. Team

(Please direct response to the above)

Vogel

DRC2004-00042

Project Name and Number

Development Review Section (Phone: 781-788-2009)

PROJECT DESCRIPTION: MUP-Cell site for Nextel on existing multi-carrier communication site. Located in Shandon off Lucy Brown Rd. Southeast of Hwy. 41. See info. & details enclosed.

Return this letter with your comments attached no later than:

9/9/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒

YES

(Please go on to Part II)

☐

NO

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒

NO

(Please go on to Part III)

☐

YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

RECOMMEND APPROVAL - NO CONCERNS.

17 SEP 2004
Date

Goodwin
Name

522
Phone



7-24
m.s.L.
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

Imc

THIS IS A NEW PROJECT REFERRAL

DATE:

8/25/04

TO:

CSA 16 Shandon - PW

Switzer

FROM:

North Co. Team

Vogel

(Please direct response to the above)

DRC2004-00042

Project Name and Number

Development Review Section (Phone: 781-788-2009)

PROJECT DESCRIPTION:

mup - Cell site for Nextel on existing multi-carrier communication site. Located in Shandon off Lucy Brown Rd. Southeast of Hwy. 41. See info. & details enclosed.

Return this letter with your comments attached no later than:

9/9/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

no concerns for Utilities Division of Public Works (CSA 16)

Date

8/30/04

Name

Donna B.

Phone

781-5716

44
mjc



7-25
**AIR POLLUTION
CONTROL DISTRICT**
COUNTY OF SAN LUIS OBISPO

DATE: September 30, 2004

TO: North County Team
San Luis Obispo County Department of Planning and Building

FROM: Melissa Guise *MAG*
San Luis Obispo County Air Pollution Control District

SUBJECT: Nextel Communication Site -Brown Road, Shandon (DRC2004-00042)

Vogel

Thank you for including the APCD in the environmental review process. We have completed our review of the above referenced project. The following are APCD comments that are pertinent to this project.

GENERAL COMMENTS:

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

CONSTRUCTION PHASE MITIGATION:

1. Dust Control Measures

The project as described in the referral will not likely exceed the APCD's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. **APCD staff recommend the following measures be incorporated into the project to control dust:**

- Reduce the amount of the disturbed area where possible.
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- All dirt stock-pile areas should be sprayed daily as needed.
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
- Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

2. Naturally Occurring Asbestos

The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the**

area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the District. Please refer to the District web page at <http://www.slocleanair.org/business/asbestos.asp> for more information or contact Karen Brooks of our Enforcement Division at 781-5912.

3. Developmental Burning

Effective February 25, 2000, **the District prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, District approval, and issuance of a burn permit by the District and the local fire department authority. The applicant is required to furnish the District with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

4. Demolition Activities

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition, relocation, or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).** These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the APCD Enforcement Division at 781-5912 for further information.

5. Portable Equipment Permit or Registration Requirements

Portable equipment used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or a District permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive.

- Portable generators
- IC Engines
- Concrete batch plants
- Rock and pavement crushing
- Tub grinders
- Trommel screens

To minimize potential delays, prior to the start of the project, please contact David Dixon of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

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Nextel Communication Site- Brown Road, Shandon (DRC 2004-00042)

September 30, 2004

Page 3 of 3

OPERATIONAL PHASE MITIGATION:

1. General Permit Requirements

The standby (backup) generator(s) will require a District permit. Non-agricultural diesel fueled standby engines rated above 50 horsepower are required to have a District permit. To minimize potential delays, prior to the start of the project, please contact David Dixon of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-4667.

MAG/sll

cc: Tim Fuhs, SLOAPCD Enforcement Division
Karen Brooks, SLOAPCD Enforcement Division
David Dixon, SLOAPCD Engineering Division

Enclosure: Attachment1

h:\oisl\plan\response\2935.doc

7-28



RADIO FREQUENCY POWER DENSITY EMISSIONS STUDY

For

**Site: CA6210A, Vogel Ranch
Located at:
1975 Lucy Brown Rd.
Shandon, CA 93461**

Prepared by:

**Darang Tech, P.E.
Dtech Communications, LLC
11401 Pacific Shores Way
San Diego, CA 92130
(Consulting Engineers)**



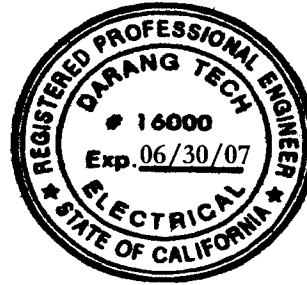
November 10th, 2004

729

The special provisions contained herein have been prepared by or under the direction of the following Registered Persons.



Darang Tech



INTRODUCTION

The engineering staff at Dtech Communications, LLC does not establish the guidelines used to insure safety exposure levels emitted from Radio Frequency (RF) Electromagnetic Fields associated with SMR, Cellular, PCS, radio and television equipment. Dtech uses the guidelines and standard adopted by the Federal Communications Commission in 1996 and further amended in August 1997 by a Second Memorandum Opinion and Order. The guidelines established Maximum Permissible Exposure (MPE) Limits well below a level the majority of the scientific community believes may pose a health risk. The FCC uses these MPE Limits to regulate RF exposure levels on all wireless communication facilities.

The first step in evaluating compliance is to determine whether the facility is “categorically excluded”. The FCC has determined through calculations and technical analysis that due to their low power and height above ground level, many facilities by their very nature are highly unlikely to cause human exposures in excess of the guideline limits, and operators of those facilities are exempt from routinely having to determine compliance. Facilities with these characteristics are considered “categorically excluded” from the requirement for routine, initial environmental processing for RF exposure. Therefore, if a facility is categorically excluded, the owner or licensee may ordinarily assume compliance with the guideline limits for exposure. Tables 1 below are the criteria for categorical exclusion.

Table 2: Categorical Exclusion criteria

SERVICE (TITLE 47 CFR RULE PART)	EVALUATION REQUIRED IF:
Cellular Radiotelephone Service (subpart H of part 22)	<u>non-building-mounted antennas</u> : height above ground level to lowest point of antenna < 10 m <u>and</u> total power of all channels > 1000 W ERP (1640 W EIRP) <u>building-mounted antennas</u> : total power of all channels > 1000 W ERP (1640 W EIRP)
Personal Communications Services (part 24)	(1) Narrowband PCS (subpart D): <u>non-building-mounted antennas</u> : height above ground level to lowest point of antenna < 10 m <u>and</u> total power of all channels > 1000 W ERP (1640 W EIRP) <u>building-mounted antennas</u> : total power of all channels > 1000 W ERP (1640 W EIRP) (2) Broadband PCS (subpart E): <u>non-building-mounted antennas</u> : height above ground level to lowest point of antenna < 10 m <u>and</u> total power of all channels > 2000 W ERP (3280 W EIRP) <u>building-mounted antennas</u> : total power of all channels > 2000 W ERP (3280 W EIRP)

If the facility is NOT categorically excluded, then a study to determine potential exposure is required and the results must comply with the FCC MPE limits. Even though a facility may not be categorically excluded, no further environmental processing is required once it has been demonstrated that exposures are within the guidelines. Tables 2 are the FCC's MPE Limits.

Table 2: FCC Maximum Permission Exposure (MPE) Limits

Frequency (Mhz)	General Public/Uncontrolled MPE (mW/cm ²) (Average time @ 30 minutes)	Occupational/Controlled MPE (mW/cm ²) (Average time @ 6 minutes)
30-300	.2	1.0
300-1500	Frequency (Mhz)/1500	Frequency (Mhz)/300
1500-100,000	1.0	5.0

General population/uncontrolled limits apply in situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment, and may not be fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public always fall under this category when exposure is not employment-related.

Occupational/controlled limits apply in situations in which persons are exposed as a consequence of their employment, and those persons have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general population/uncontrolled limits, as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

PROPOSED SITE DESCRIPTION

The subject site is situated on a rural hilltop of the Vogel Ranch located at 1975 Lucy Brown Rd., Shandon, CA 93461. The proposed Nextel installation consists of two sectors (faces), each containing two (2) directional panel antennae designed to radiate energy in a particular direction. The antennae are stub-mounted on separate poles, facing away from the hill into the horizon. Each sector is fenced off to limit access at a minimum of 10 feet from the front of the antennae. Areas inside the fence are subject to the FCC's Controlled/Occupational MPE Limit while elsewhere is subject to the Uncontrolled/General Public MPE Limit. There are two other wireless carriers, Cingular and Cellular One located at the subject site at the time of this report. Please refer to the attached drawings and *table 3* below for site configurations used for the computer simulation.

Table 3: Site Configurations

	Nextel Sectors (α, γ)	Cingular Sectors (α, γ)	Cellular One Sectors (<i>omni</i>)
ERP per channel (Watts)	61	200	100
Total channels per sector	20	10	15
Max composite ERP per sector (Watts)	1220	2000	1500
Antenna Radiation Center Height Above Ground (feet)	8.5	8.5	80
Frequency	SMR (806-866Mhz)	PCS (1850-1990Mhz)	Cellular (824-896Mhz)
Antenna make/model	Andrew DB844G90VTA-SX	EMS Wireless RR90-17-00	Andrew DB586

MPE LEVEL CALCULATION

Dtech Communications uses the FCC's guidelines for predicting emission levels as described in OET (Office of Engineering & Technology) Bulletin No. 65 "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Radiation". Please refer to appendix A for the brief electromagnetic theory behind our calculations. As a conservative measure, the cumulative MPE analysis is performed under worse case conditions: (a) both near field and far field models are used; (b) all transmitters transmit at maximum power and maximum number of channels available; (c) all transmitters transmit simultaneously; (d) calculation points are performed at bore sight or in the antenna's main beam; (e) for multiple carriers, each carrier's exposure is combined to obtain the cumulative MPE at the facility. Actual powers are typically well below the worse case conditions depending on the number of channels occupied at any given time. In addition, each carrier has different antenna azimuths therefore worse case condition for each carrier occurs at different points in space. To simply sum up all the worse case conditions, as in this analysis, is unrealistic in the real world. However, it does give a good conservative picture of the upper limit.

RESULTS

Since the proposed site is less than 10 meters high, and the total power output is more than 1000 watts ERP, it is not **“categorically excluded”** and thus a study to determine potential exposure is required. Calculations will be made for both Controlled and Uncontrolled environments, namely inside and outside the fences respectively. Figures 1 & 2 below are the corresponding results.

Figure 1: Expected emission levels compared to FCC's Occupational/ Controlled MPE Limit calculated at human height **inside** the fences.

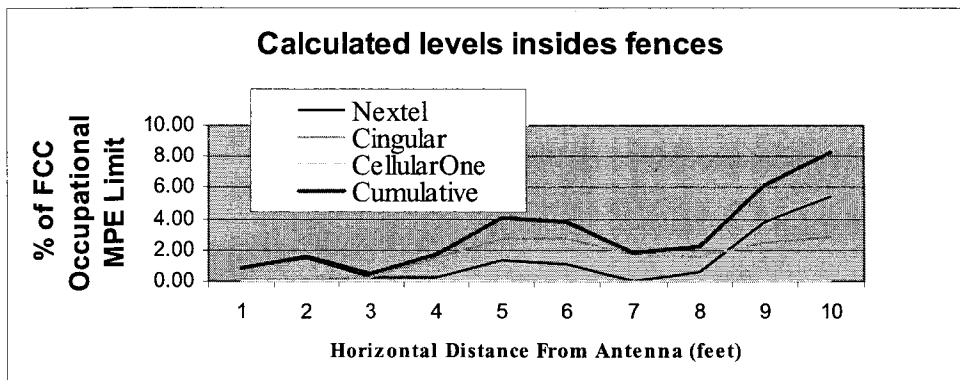
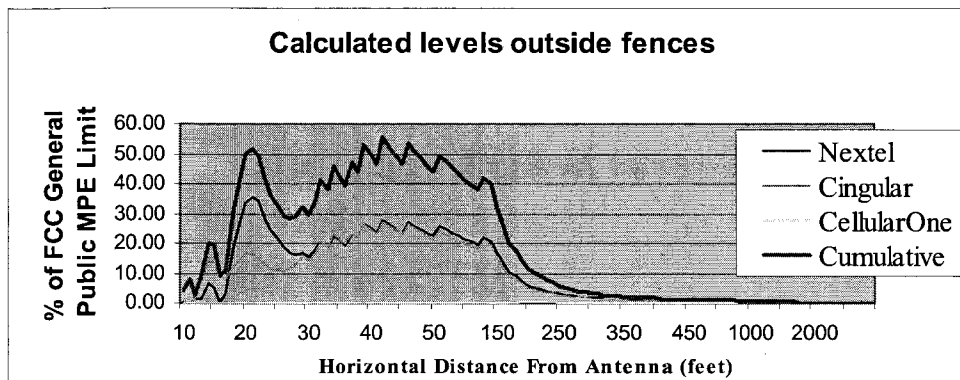


Figure 2: Expected emission levels compared to FCC's General Public/Uncontrolled MPE Limit calculated at human height **outside** the fences.



Conclusion

This report was intended to illustrate that Dtech Communications uses sound theory and assumptions as described by the FCC to calculate exposure levels expected from Nextel's proposal as well as existing sites. As depicted in figures 1&2 above, the maximum exposure levels expected from all three base stations never exceeded **10% and 60%** of the FCC's Controlled and Uncontrolled MPE Limits respectively. It should be pointed out again that these results reflect the maximum number of channels available and should be considered as the upper limit. We have presented the worst-case scenario to demonstrate that the expected exposure levels comply with the FCC Radiofrequency Safety Guidelines.

Recommendation(s)

The following action(s) are recommended:

- As a general safety practice, information or notice signs should be posted on all sides of the surrounding fences to inform workers and possible hikers of transmitting antennae inside the fences.

Appendix A:

Electromagnetic Emissions Theory

Discussed below is an abbreviated explanation of the theory behind Dtech Communications' electromagnetic studies. This explanation is for individuals with no background in Electromagnetic Theory and may seem oversimplified by individuals with some exposure to RF propagation theory.

The power density surrounding an antenna varies as a function of location, distance and orientation. The fields around an antenna may be divided into two principal regions: (a) near-field (Cylindrical) and (b) far-field (Spherical). The boundary between the two is defined as $R=2D^2/\lambda$ where D is the maximum physical dimension of the antenna and λ is the wavelength. It is necessary to predict both the near and far field power density of an antenna array. The predicted result is averaged over the human body with the assumption that the human body is 2 meters tall.

The Far Field (Spherical) Model

As described by the FCC, a prediction for power density in the far field of a single radiating point antenna can be derived from the following general equation:

$$S = PG_i / (4\pi r^2) \quad \text{Eq. 1}$$

Where:

S is the power density

P is the power input into the antenna

G_i is the gain of the antenna relative to an isotropic radiator

r is the distance from the antenna

Equation 1 can be modified to consider the following: First, since the power radiated is not a point source, the Effective Radiated Power (ERP) is used. Second, the FCC calculates the power based upon a half wave dipole (2.15 dB gain correction factor). Third, multiple channels are combined and transmits them through one antenna. Therefore, the total composite ERP is used. Fourth, a 2.56 multiplication factor is added to help compensate for reflected waves. Lastly, antennas have both horizontal and vertical components. When the antenna is mounted on a structure, distortion will occur. Therefore, the deep nulls in the antenna pattern are removed for calculations to more closely model the actual pattern from the antenna at a cell site. In other words, only the vertical component is factored into the calculations. (Ignoring the horizontal component will give a worst-case calculation).

The modified formula is:

$$S = \frac{ERP * 10^6 * 1.64 * A * 2.56}{4 * \pi * r^2} \quad \text{W/cm}^2 \quad \text{Eq. 2}$$

where:

S is the Power Density (W/cm²)

ERP is the composite Effective Radiated Power in Watts (W)

A is the antenna pattern attenuation ratio relative to the main lobe gain

r is the horizontal distance to the antenna

The Near Field (Cylindrical) Model

The near field power density prediction may be modeled by treating the vertical collinear antenna as an array of *N* elements spaced one wavelength apart. The contribution from each element is summed vectorially and divided by area of a unit sphere to obtain the power density.

The general formula is

$$S(\theta, \phi) = \text{EIRP}(\theta, \phi) / (4\pi r^2) \quad \text{Eq. 3}$$

Where:

EIRP(θ, ϕ) is the effective isotropic radiated power at a particular azimuth θ and elevation ϕ , is found by extrapolating the published horizontal and vertical gain patterns of the antenna to form a three-dimensional antenna gain pattern

r is the distance from the antenna

With the adjustments noted in the above far field model, the modified formula is as follows:

$$S = \frac{\text{ERP} * 10^6}{4 * \pi * r * D * H / 360} \text{ W/cm}^2 \quad \text{Eq. 4}$$

where:

S is the Power Density (W/cm²)

ERP is the composite Effective Radiated Power in Watts (W)

D is the vertical antenna aperture

H is the 3dB horizontal beam width of the antenna pattern

r is the horizontal distance to the antenna

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Appendix B:

References

- [1] *Guidelines for Evaluating the Environmental Effects of Radio frequency Radiation*, Second Memorandum Opinion and Order, ET Docket 93-62, adopted August 25, 1997.
- [2] *Guidelines for Evaluating the Environmental Effects of Radio frequency Radiation*, Report and Order, ET Docket 93-62, FCC 96-326, adopted August 1, 1996. Federal Register 41006 (1996).
- [3] *Guidelines for Evaluating the Environmental Effects of Radio frequency Radiation*, Notice of Proposed Rulemaking, ET Docket 93-62, 8 FCC Rcd 2849 (1993).
- [4] The Telecommunication Act of 1996, 47 U.S.C. Section 332 (c)(7)(B)(iv).
- [5] www.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet65/
www.fcc.gov/oet/rfsafety

Attachment(s):

- Site data sheet provided by Nextel
- Site drawings

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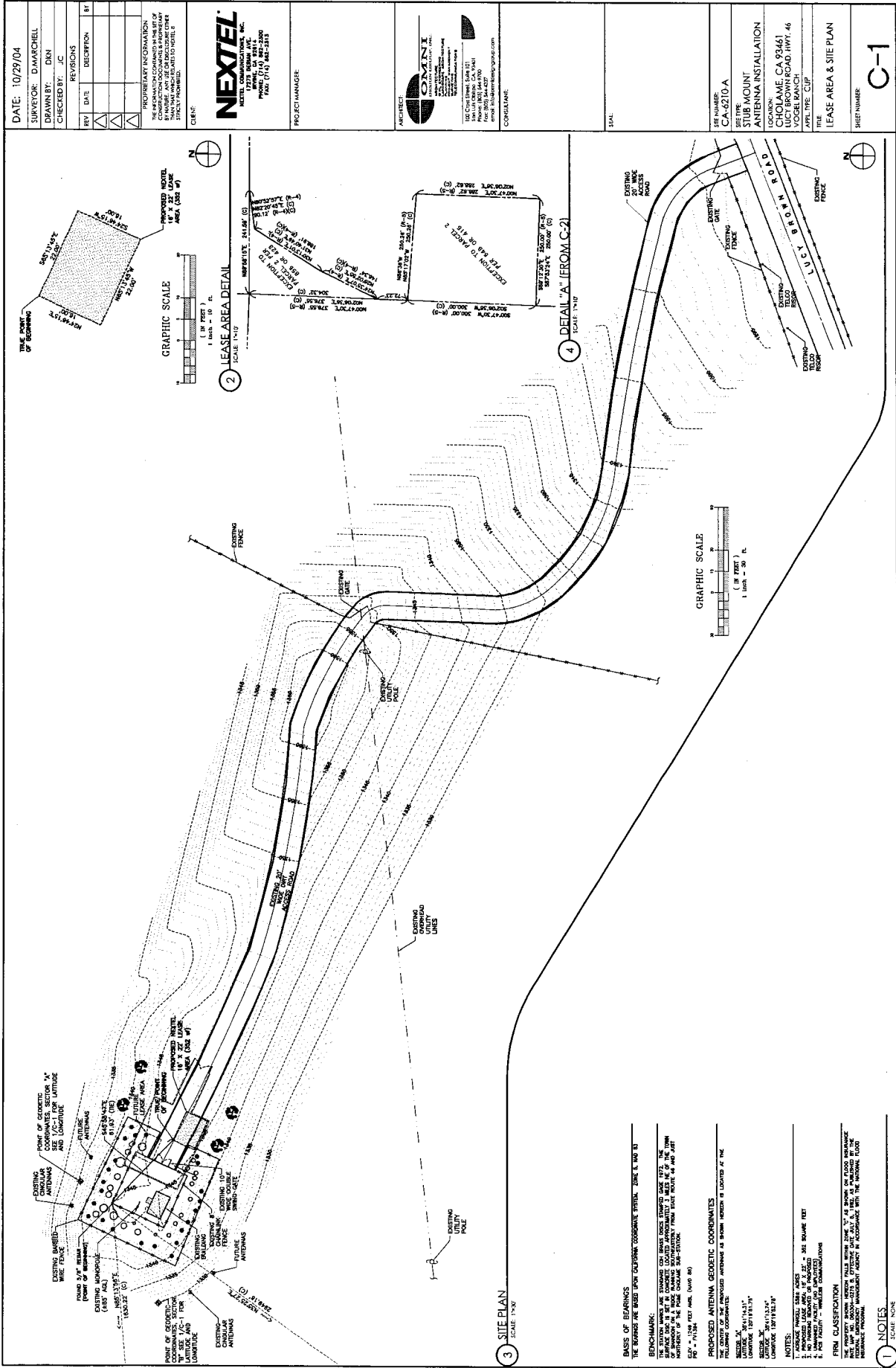
Nextel Communications RF Data Sheet

Site Name Cholame: Vogel RanchSite Number CA6210ASite Address: 1975 Lucy Brown, Shandon, CA 93461

Number of Antennas:	Sector A: 40 degree		Sector C (240 degree)
1. Whip:			
2. Dish:			
3. Panel:	4		4
4. Smart:			
5. Other			

Antennas & Transmission Characteristics	Sector A	Sector B	Sector C	Microwave	Other
Antenna Height (Centerline):	8.5		8.5		
Proposed (AMSL):					
Future (AMSL):					
Antenna Type (model):	844G90VTA-SX		844G90VTA-SX		
Antenna Size (H, W, D):	48 x 6.5 x 8		48 x 6.5 x 8		
Antenna Orientation:					
Vertical beam width (deg.)	16		16		
Horizontal beam width (deg.)	90		90		
Vertical down tilt (deg.)	0		0		
Antenna Separation:					
Vertical (if applicable):	N.A.		N.A.		
Horizontal (on centerline):	3 ft		3 ft		
EIRP (max. dBi/channel):	100w		100w		
Maximum Ant. Gain (dB):	11.8 dBd		11.8 dBd		
TX Power at Ant. Port (dB):	5w		5w		
Frequency Assignments:					
Transmit (MHz): List Range	851-866		851-866		
Receive (MHz): List Range	806-821		806-821		
Max. Number of Channels	20		20		
Transmit Polarization:	Vertical		Vertical		
Receive Polarization:	Vertical		Vertical		

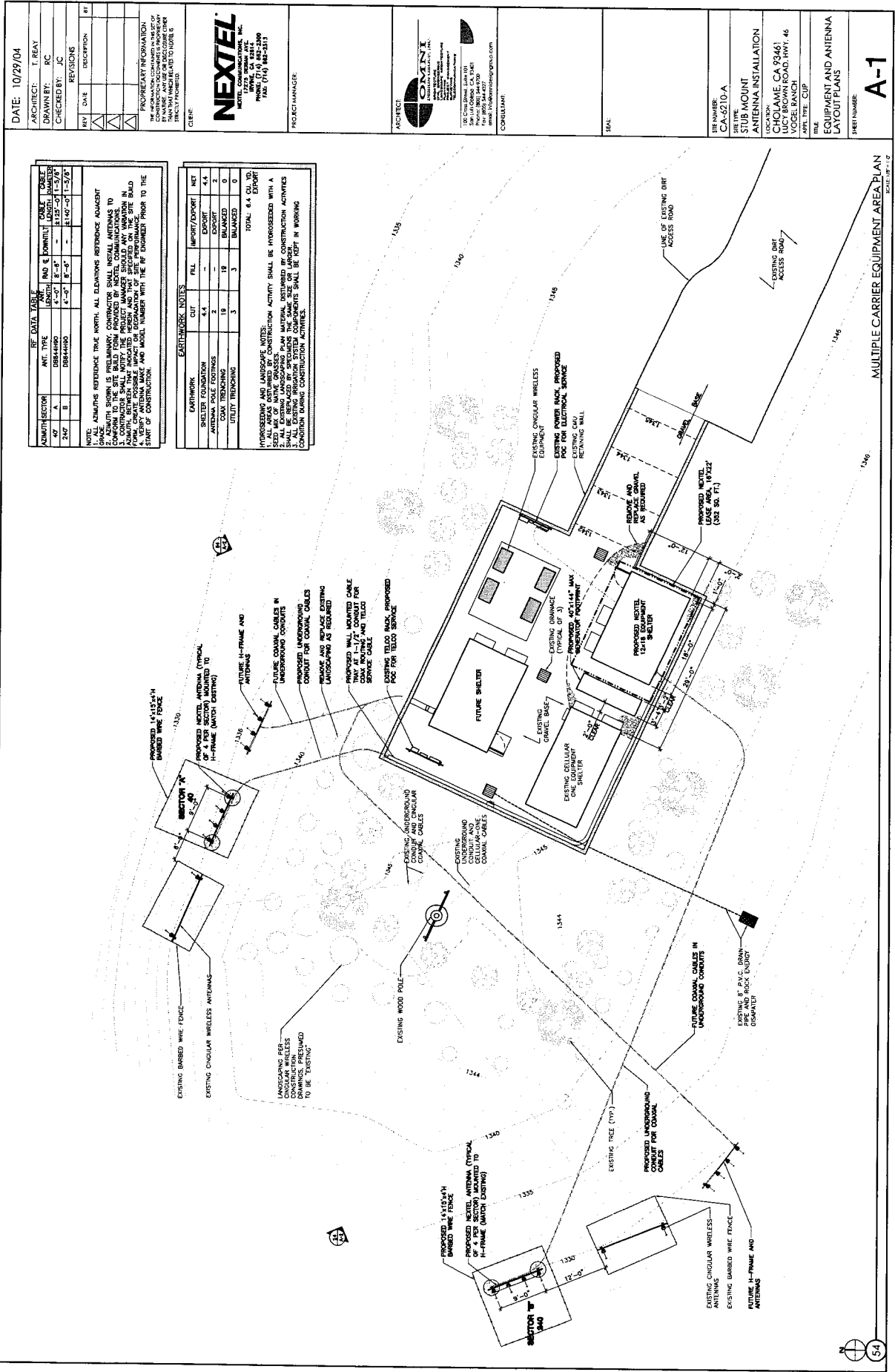
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DATE: 10/29/04	
SURVEYOR: DMARCHELL	CHECKED BY: JC
DRAWN BY: DIN	REV. DATE DESCRIPTION BY
REVISIONS	
PROPERTY INFORMATION	
THE INFORMATION CONTAINED HEREIN IS FOR THE USE OF THE CLIENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.	
NEXTEL NEXTEL COMMUNICATIONS, INC. 1000 N. GATEWAY AVENUE SUITE 100 FREMONT, CA 94539 TEL: (415) 882-2300 FAX: (415) 882-2300	
PROJECT MANAGER	
ANALYST	
CONSULTANT	
SEAL	
SEE NUMBER: CA-6210-A	
SITE NAME: STUB MOUNT ANTENNA INSTALLATION	
PROJECT LOCATION: CLOUTIER, CA 92461	
CLIENT: VOGEL BROWN ROAD HWY. 46	
APPL. TYPE: CUP	
TITLE: LEASE AREA & SITE PLAN	
SHEET NUMBER: C-1	

525-170

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[illegible]



7-44 3-21
COUNTY OF SAN LUIS OBISPO

FOR OFFICIAL USE ONLY (ss)
MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

ENVIRONMENTAL DETERMINATION NO. ED01-620

DATE: November 29, 2002

PROJECT/ENTITLEMENT: Vogel Development Plan; D000439D

APPLICANT NAME: Cingular Wireless

ADDRESS: 2521 Michelle Drive 2nd Floor Tustin, CA 92780

CONTACT PERSON: Agent: Gordon Bell

Telephone: 805/ 962-5115

PROPOSED USES/INTENT: A request to grade for and construct a wireless telecommunications facility consisting of four equipment cabinets on a 260-square foot concrete pad, eight stub-mount antennas, utility trenching, retaining wall, a vegetated earthen berm, drainage improvements, and related site improvements resulting in 4,000 square feet of disturbance

LOCATION: Within Vogel Ranch, approximately 900.0 feet northeast of Lucy Brown Road, approximately 0.06 mile west of Highway 46/41, 4.0 miles southwest of the community of Cholame

LEAD AGENCY: County of San Luis Obispo, Department of Planning & Building
County Government Center Room 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: None applicable

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting someone at the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 5 p.m. on _____
(Circle one) 20-DAY 30-DAY PUBLIC REVIEW PERIOD begins at the time of notice publication.

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County _____ as ☐ Lead Agency
☐ Responsible Agency approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

Signature

Title

Date

County of San Luis Obispo

Public Agency

7-45

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COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
ENVIRONMENTAL DIVISION

ENVIRONMENTAL DOCUMENT FILING FEE FORM

NOTICE: During environmental review, this project required consultation, review or development of mitigation measures by the California Department of Fish and Game. Therefore, the applicants will be assessed user fees pursuant to section 711.4 of the California Fish and Game Code.. The California Environmental Quality Act (Section 21089) provides that this project is not operative, vested or final until the filing fees are paid.

Lead Agency: County of San Luis Obispo Date: October 25, 2002
County: San Luis Obispo Project No. ED01-620
Project Title: Vogel Development Plan; D000439D
Project Applicant: Name: Cingular Wireless
Address: 2521 Michelle Drive 2nd Floor
City: Tustin, CA 92780
Phone #: (805) 962-5115

Please remit the following amount to the County Clerk-Recorder:

() Environmental Impact Report	\$ 850.00
() Negative Declaration	\$ 1250.00
() County Clerk's Fee	\$ 25.00
Total amount due:	\$ 1250.00

AMOUNT ENCLOSED: _____

Checks should be made out to the County of San Luis Obispo. Payment must be received by the County Clerk, 1144 Monterey Street, Suite A, San Luis Obispo, CA 93408-2040, within two days of project approval.

NOTE: Filing of the Notice of Determination for the attached environmental document requires a filing fee in the amount specified above. If the fee is not paid, the Notice of Determination cannot be filed.

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**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

Project Title & No. Vogel Development Plan; D000439D

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Geology and Soils | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Transportation/Circulation |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Noise | <input type="checkbox"/> Wastewater |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Water |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Public Services/Utilities | <input type="checkbox"/> Land Use |
| <input checked="" type="checkbox"/> Mandatory Findings of Significance | | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

HOPPS GROUP, INC. Shirley Felt 10/28/02
Prepared by(Print) Signature Date

Steven McMasters Ellen Carroll 10/31/02
Reviewed by(Print) Signature (for) Environmental Coordinator Date

7-47

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Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: - Proposal by Cingular Wireless for a Development Plan to allow for the construction of a two-carrier wireless telecommunications facility. This facility will consist of two sets of four 11.0-foot tall stub-mounted antennas and one equipment area 260 square feet in size. Additional aspects of the proposed project include construction of an earthen berm, retaining wall, grading activities, drainage improvements, and utility trenching. The project is located within Vogel Ranch, approximately 900.0 feet northeast of Lucy Brown Road, approximately 0.06 mile west of Highway 46/41, 4.0 miles southwest of the community of Cholame in the Shandon-Carrizo (rural) planning area.

ASSESSOR PARCEL NUMBER(S): 017-131-018

SUPERVISORIAL DISTRICT #1

B. EXISTING SETTING

PLANNING AREA: Shandon-Carrizo, rural

LAND USE CATEGORY: Agriculture

COMBINING DESIGNATION(S): None applicable

EXISTING USES: Wireless telecommunications facility; agricultural development

TOPOGRAPHY: Gently to steeply sloping

VEGETATION: Grasses; forbs

PARCEL SIZE: 558 acres

SURROUNDING LAND USE CATEGORIES AND USES:

North: Agriculture/ grazing land; Highway 41;
Cholame Creek

East: Agriculture/ grazing land; scattered single-family residences

South: Agriculture/ grazing land; scattered single-family residences

West: Agriculture/ grazing land; Highway 41;
Cholame Creek

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C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST

1. AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create an aesthetically offensive site open to public view?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Introduce a use within a scenic view open to the public?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Change the visual character of an area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create glare or night lighting which may affect surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Impact unique geological or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project involves the expansion of an existing antenna farm located off Lucy Brown Road approximately 0.04 mile east of Highway 41 (refer to Figures 1 through 4). The surrounding area is characterized by the Cholame River and its tributaries, grazed annual grassland, row crops, the Vogel Ranch agricultural facility, and scattered single-family residences. The area's topography is gently sloping near the highway and moderately to steeply sloping hillsides on the parcel. The existing Cellular One wireless telecommunications facility is located on a hilltop and consists of one sixty-five-foot tall monopole with two whip antennas, one equipment shelter, and a chainlink fence surrounding the lease area (refer to Figure 5). This existing facility silhouettes for approximately one minute and forty-five seconds as seen from eastbound lanes of Highway 46/41 and two minutes and seventeen seconds from westbound lanes of Highway 46/41. A ten second break in the sighting of the pole occurs after passing the community of Cholame. At first sight heading east on Highway 46/41, the facility is indistinguishable from the power poles. Once a driver reaches the Caltrans rest stop, the monopole becomes more apparent.

Impact. As proposed, the project will result in an expanded telecommunications facility visible from Highway 46/41. Visible components of the proposed Cingular Wireless facility include: four equipment cabinets and eight eleven-foot tall stub-mount antennas (refer to Figures 6 through 8). The antennas will be arranged in two panels with four antennas per panel. Alpine PCS and Nextel are proposing a telecommunications facilities within the same area under separate applications. Each facility will consist of a similar equipment area and two sets of four stub-mounted antennas (approximately eleven feet tall). The existing Cellular One equipment shelter will be relocated.

Mitigation/Conclusion. To mitigate for cumulative visual impacts, the applicant is proposing to bunker all proposed and existing equipment into the hilltop and construct of an earthen berm around the equipment areas. The berm will shield the existing and proposed equipment from Highway 46/41, eliminate silhouetting, and provide additional backdrop for the stub-mounted antennas. The applicant has agreed to implement additional visual impact mitigation measures including the revegetation of all exposed soils with hydro-seed, native grasses and drought-tolerant shrubs. Irrigation will be provided by an onsite temporary water tank to be refilled by a private water company. The existing chainlink fence surrounding the existing equipment shelter will be removed. Existing barbed wire fencing surrounding existing landscaping will remain, and additional six-foot tall barbed wire fencing will be installed around the proposed stub-mounted antennas.

The water tank shall be painted dark-green or black and shall be located to avoid silhouetting. The applicant shall also use camouflage paint type approved by the County of San Luis Obispo for all equipment, stub-mounts, and antennas. Implementation of the above measures will reduce significant visual impacts to a level of insignificance.

2. AGRICULTURAL RESOURCES - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed project is located within the Agriculture land use category and prime agricultural land classification. The soil type underlying the facility is Balcom-Calleguas complex. Agricultural uses on the parcel and in the surrounding areas consist primarily of livestock grazing. The proposed cumulative project was referred to the County of San Luis Obispo Agricultural Commissioner. Mr. Robert Hopkins, Deputy Ag Commissioner, responded to the referral with the following comments:

"This project adds cellular antennas and associated equipment to an existing cellular communication facility. The evaluation of this project did not identify any significant impacts to agricultural resources. The proposal would not appear to adversely impact agricultural resources at the site or on adjacent properties. However, we do suggest that the construction contractor or other responsible party coordinate construction activities with the ranch operator to minimize the disruption or impacts to livestock grazing activities..." (May 30, 2001)

Due to the limited size of the proposed project and based on the Agricultural Commissioner's response, no significant impacts to agricultural resources is anticipated.

3. AIR QUALITY - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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3. AIR QUALITY - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. In 1989, the State Air Resources Board designated San Luis Obispo County a non-attainment area for exceeding the State's air quality standards set for ozone and dust (small particulate matter). Based on the latest APCD Annual Air Quality Report (2001), the trend in air quality is improving where unacceptable ozone levels were exceeded only three times countywide in 1999, and 15 times for dust, which is down from the previous year.

The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Dust, or particulate matter less than ten microns (PM 10), can be emitted directly from a source, and can also be formed in the atmosphere through chemical transformation of gaseous pollutants. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants sometimes contribute towards this chemical transformation into PM10.

As proposed, the project will result in the disturbance of approximately 4,000 square feet of material. This will result in both short-term vehicle emissions (which helps create ozone) and the creation of dust during construction. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below the threshold warranting any mitigation. Therefore, no mitigation measures are necessary and the potential impacts are considered less than significant.

4. BIOLOGICAL RESOURCES - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site is located within the range of the San Joaquin kit fox (*Vulpes macrotis mutica*), a State and Federally Listed Species.

Impacts. A "San Joaquin Kit Fox Evaluation" was prepared by Mike McGovern on April 6, 2001 for the proposed Alpine facility to be located adjacent to the existing Cellular One facility and proposed Cingular

facility. This evaluation concluded that "the addition of components for communications that will take less than 100 square feet of space within the confines of the existing facility will have no impact on kit fox habitat" (April 6, 2001). Implementation of the cumulative project will remove approximately 800.0 square feet (0.02 acre) of potential San Joaquin kit fox habitat.

Mitigation/Conclusion. The evaluation was submitted to Bob Stafford of the California Department of Fish and Game. Mr. Stafford states that specific measures shall be implemented to effectively mitigate impacts to the San Joaquin kit fox (personal communications; 03/15/02). These measures include the presence of a biological monitor during site disturbance and construction activities, a pre-construction survey, and measures designed to avoid incidental take of San Joaquin kit fox. A complete list of these mitigation measures is presented in Exhibit B. Implementation of these measures will mitigate biological impacts to a level of insignificance.

5. CULTURAL RESOURCES -

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The project is located in an area historically occupied by the Salinan. The project is not located in an area that would be considered culturally sensitive due to lack of physical features typically associated with prehistoric occupation. No evidence of cultural materials were noted on-site and no impacts are anticipated. No structures are present and no paleontological resources are known to exist in the area. Impacts to historic or paleontological resources is not expected.

6. GEOLOGY AND SOILS -

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist Priolo)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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6. GEOLOGY AND SOILS -*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting.

Geology. The topography of the project ranges from nearly level to steeply sloping. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered moderate to high. The liquefaction potential during a ground-shaking event is considered moderate. No active faulting is known to exist on or near the subject property. There is no evidence that measures above what will already be required by ordinance or code are needed. Additionally, the applicant is not proposing habitable structures.

Drainage. The Cholame Creek runs adjacent to Highway 46/41, approximately 2,000 feet west of the proposed development. An unnamed blue-line tributary to the Cholame Creek runs approximately 2,000 feet south of the project site. The area proposed for development is outside of the 100-year Flood Hazard designation. As described in the National Resource Conservation Service Soil Survey, these soils are well drained. The applicant is proposing drainage improvements to the equipment pad area including pipes and rip-rap areas. No additional specific measures above what will already be required by ordinance or code are considered necessary.

Sedimentation and Erosion. The soil type on the project site is Balcom-Calleguas complex. As described in the NRCS Soil Survey, the soil surface is considered highly erodible and has a moderate shrink-swell characteristic. Project grading will create exposed graded areas subject to increased soil erosion and down-gradient sedimentation. Approximately 4,000 square feet of area are proposed for disturbance.

Impact.

Sedimentation and Erosion Erosion of graded areas and discharge of sediment down gradient will likely result, if adequate temporary and permanent measures are not taken before, during and after vegetation removal and grading. If not properly mitigated, these impacts both on the project site and within surrounding areas may be significant.

A sedimentation and erosion control plan shall be prepared (per County Land Use Ordinance, Sec. 22.05.036 or 23.05.036) and incorporated into the project to minimize sedimentation and erosion. The plan will need to be prepared by a registered civil engineer and address the following to minimize temporary and long-term sedimentation and erosion: slope surface stabilization, erosion and sedimentation control devices and final erosion control measures.

Mitigation/Conclusion. Implementation of the previously-referenced drainage and sedimentation and erosion control plans will reduce potential drainage, erosion and sedimentation impacts to less than significant levels.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Interfere with an emergency response or evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to safety risk associated with airport flight pattern?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create any other health hazard or potential hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project is located in an area of predominantly agricultural uses. There are no known hazardous waste sites or pipelines underlying or in the vicinity of the project area and the project does not propose the use of hazardous materials. The proposed project is within a moderate fire hazard severity area, and no significant fire safety risk was identified. No impacts as a result of hazards or hazardous materials are anticipated.

8. NOISE - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Expose people to noise levels which exceed the County Noise Element thresholds?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generate increases in the ambient noise levels for adjoining areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to severe noise or vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The site is approximately 0.06 mile east of Highway 46/41. The topography between the highway and the site consists of gently rolling and steeply sloped hillsides. The unmanned telecommunications facility generators will not produce a significant level of noise and there are no residences or public uses near the proposed project. The project will not generate significant stationary or transportation-related noise sources, therefore, no significant noise impacts are expected to occur.

9. POPULATION/HOUSING -*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project is not anticipated to induce growth, create the need for new housing, or use a substantial amount of fuel or energy to construct and maintain. The telecommunications facility does not displace existing housing or people. No significant population and housing impacts are expected to occur.

10. PUBLIC SERVICES/UTILITIES -*Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Roads?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Solid Wastes?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other public facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The closest CDF fire station is the Paso Robles Station and the closest Sheriff substation is in Templeton. This project, along with numerous others in the area will have a cumulative effect on police and fire protection. Public facility programs have been adopted to address this impact and will reduce the cumulative impact to a level of insignificance.

11. RECREATION - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

11. RECREATION - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The County Trails Plan does not show a future trail being considered on the subject property. There are no recreational resources in the vicinity of the proposed project. The project is not proposed in a location that will affect any trail, park or other recreational resource, and will not create a significant need for additional park or recreational resources.

**12. TRANSPORTATION/
CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Construction equipment and occasional maintenance vehicles will use Lucy Brown Road and Highway 46/41 to access the proposed project area. Lucy Brown Road is a private road utilized to access the Vogel Ranch. Highway 46/41 is an arterial operating at an acceptable level of service. No other trips will be generated by the proposed facility. This small amount of additional traffic will not result in a significant change to the existing road service levels or traffic safety. No significant impacts were identified; therefore, no specific traffic-related mitigation measures are necessary.

13. WASTEWATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Adversely affect community wastewater service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed unmanned telecommunications facility will not generate wastewater, therefore impacts to wastewater and wastewater disposal are not applicable.

14. WATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any water quality standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Change the quantity or movement of available surface or ground water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Adversely affect community water service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting.Surface Water

Cholame Creek and an unnamed blue-line tributary to Cholame Creek are located within 2,000 feet of the existing and proposed facility; both are seasonal intermittent streams. Agricultural uses, including livestock grazing, surround these streams on both sides. No drainages are located within or adjacent to the area proposed for disturbance.

Water Resources

The proposed unmanned telecommunications facility is not anticipated to use any local water services or sources. A drip-irrigation system will be used to maintain revegetation and landscaping efforts; the water will be supplied by a private water company. Water usage for irrigation purposes is anticipated to be minimal.

Impact.

The proposed telecommunications facility is sited an adequate distance from the banks of Cholame Creek and the unnamed tributary. Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality.

No additional measures are considered necessary and potential water quality impacts are either insignificant or will be reduced to less than significant levels.

15. LAND USE - Will the project:

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Shandon-Carrizo Land Use Element/Circulation Element, etc.). The project was found to be consistent with these documents. The proposed project is not within or adjacent to a Habitat Conservation Plan area.

The surrounding uses are as follows: North - agriculture; South - agriculture; East - agriculture/Big Sandy Wildlife Area; West - agriculture and Highway 46/41. The proposed project is compatible with these surrounding uses because wireless communication facilities are a special permitted use in the Agriculture land use category in the San Luis Obispo County Land Use Ordinance. No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project's, and the effects of probable future projects)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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- c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

☐☐☒☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.slocoplanbldg.com" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ceqa/guidelines/" for information about the California Environmental Quality Act.

G:\1 Projects Directory\2001\01-553 County Staff Reports\Current Projects\Current Wireless Projects\Vogel Cingular\Reports\MND\Vogel Cingular Checklist.wpd

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Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an "X") and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
___	County Public Works Department	Not applicable
___	County Environmental Health Division	Not applicable
<u>X</u>	County Agricultural Commissioner's Office	In File *
___	County Airport Manager	Not Applicable
___	Airport Land Use Commission	Not Applicable
___	Air Pollution Control District	Not Applicable
___	County Sheriff's Department	Not Applicable
___	Regional Water Quality Control Board	Not Applicable
___	CA Coastal Commission	Not Applicable
<u>X</u>	CA Department of Fish and Game	Pers. Comm. (03/15/02)
___	CA Department of Forestry	Not Applicable
___	CA Department of Transportation	Not Applicable
___	_____ Community Service District	Not Applicable
___	Other _____	Not Applicable

* "No comment" or "No concerns"-type responses are usually not attached

The following checked ("✓") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<u>✓</u> Project File for the Subject Application	<u>✓</u> <u>Shandon-Carrizo</u> Area Plan and Update EIR
<u>County documents</u>	_____ Circulation Study
___ Airport Land Use Plans	<u>Other documents</u>
<u>✓</u> Annual Resource Summary Report	<u>✓</u> Archaeological Resources Map
___ Building and Construction Ordinance	<u>✓</u> Area of Critical Concerns Map
___ Coastal Policies	<u>✓</u> Areas of Special Biological Importance Map
<u>✓</u> Framework for Planning (Coastal & Inland)	<u>✓</u> California Natural Species Diversity Database
<u>✓</u> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<u>✓</u> Clean Air Plan
<u>✓</u> Agriculture & Open Space Element	<u>✓</u> Fire Hazard Severity Map
<u>✓</u> Energy Element	<u>✓</u> Flood Hazard Maps
<u>✓</u> Environment Plan (Conservation, Historic and Esthetic Elements)	<u>✓</u> Natural Resources Conservation Service Soil Survey for San Luis Obispo County
<u>✓</u> Housing Element	<u>✓</u> Regional Transportation Plan
<u>✓</u> Noise Element	<u>✓</u> Uniform Fire Code
___ Parks & Recreation Element	<u>✓</u> Water Quality Control Plan (Central Coast Basin - Region 3)
<u>✓</u> Safety Element	<u>✓</u> CEQA Air Quality Handbook (1997)
<u>✓</u> Land Use Ordinance	Other _____
___ Real Property Division Ordinance	
<u>✓</u> Trails Plan	
___ Solid Waste Management Plan	

In addition, the following project-specific information and/or reference materials have been considered as a part of the Initial Study:

McGovern, Mike. April 6, 2001. *San Joaquin Kit Fox Evaluation Form.*

Exhibit B - Mitigation Summary Table**Aesthetics**

- V-1 **Prior to issuance of building permit**, the applicant shall submit a color board for the proposed stub-mounts, antennas, and temporary water tank. The mounts and antennas shall be a camouflage color and the water tank shall be either dark-green or black.
- V-2 **Prior to final inspection**, the applicant shall paint the proposed mounts and antennas with a muted matte camouflage color approved by the Department of Planning and Building. The temporary water tank shall be painted or the material shall be colored either dark-green or black. The colors shall be maintained for the life of the project. Repainting and maintenance shall occur as necessary.

Biological Resources

- BR-1 **Prior to issuance of building permit**, the applicant shall retain a qualified biologist acceptable to the U.S. Fish and Wildlife Service, California Department of Fish and Game and the San Luis Obispo County Department of Planning and Building/Environmental Division. The retained biologist shall perform the following monitoring activities:
- a) Prior to issuance of building permit and within 30 days prior to initiation of construction, conduct a pre-construction survey for active kit fox dens and submit a letter to the Department of Planning and Building confirming the completion and results of pre-construction survey and compliance with Mitigation Measure BR-2; and
 - b) Conduct weekly site visits during construction activities and submit weekly reports to the Department of Planning and Building to ensure compliance with Mitigation Measures BR-3 through BR-9.
- BR-2 **Prior to issuance of building permit**, roads on the subject property shall be posted with a 15-mile per hour speed limit or lower to reduce the likelihood of road mortality of the San Joaquin kit fox. In addition, vehicular activity between dusk and dawn shall be kept to a minimum. Retained biological monitor shall discuss compliance in initial pre-construction survey letter.
- BR-3 **Prior to site disturbance**, all personnel associated with the project shall attend a worker education program conducted by the retained biological monitor regarding the San Joaquin kit fox. Specifics of this program should include San Joaquin kit fox life histories and careful review of the mitigation measures implemented to reduce impacts. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Department of Planning and Building shall be notified of the time that the applicant intends to hold this meeting.

- BR-4 To prevent entrapment of the San Joaquin kit fox during the construction phase of the project, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped San Joaquin kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped San Joaquin kit fox. Any San Joaquin kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR-5 **During the construction**, any pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at the project site for one or more overnight periods shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a San Joaquin kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary will be moved only once to remove it from the path of activity, until the San Joaquin kit fox has escaped.
- BR-6 All food-related trash items such as wrappers, cans, bottles, and food scraps generated during the construction phase shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed. All waste products shall be disposed of in a manner that would not attract red fox, coyotes, or domestic dogs to the area.
- BR-7 Use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to prevent primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-8 No San Joaquin kit fox dens were observed during the field surveys. However, if any potential or known San Joaquin kit fox dens are subsequently observed during the required pre-activity survey, the following mitigation measures shall apply:
- a) Fenced exclusion zones shall be established by the retained biological monitor around all San Joaquin kit fox dens that can be avoided but may be inadvertently impacted by project activities. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - o Potential San Joaquin kit fox den: 50 feet
 - o Known San Joaquin kit fox den: 100 feet
 - o San Joaquin kit fox pupping den: 150 feet
 - b) Only essential vehicle operation on existing roads (if the exclusion zone intersects a road) and simple foot traffic shall be permitted within these exclusion zones. Otherwise, all project activities such as vehicle operation, materials storage, etc., shall be prohibited. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed. If specified exclusion

zones cannot be observed for any reason, the U.S. Fish and Wildlife Service and California Department of Fish and Game shall be contacted for guidance prior to ground disturbing activities on or near the subject den or burrow.

- c) If any known or potential San Joaquin kit fox dens are discovered within the building envelope which shall be unavoidably destroyed by the proposed project, excavation of San Joaquin kit fox dens shall not proceed without authorization from the U.S. Fish and Wildlife Service and California Department of Fish and Game.

BR-9 Any project contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to a supervisor overseeing the project or operation. In the event that such observations are made of injured or dead San Joaquin kit fox, the applicant shall immediately notify the US Fish and Wildlife Service and the California Department of Fish and Game by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the California Department of Fish and Game for care, analysis, or disposition.

Geology and Soils

GS-1 **Prior to issuance of building permit**, the applicant shall submit a sedimentation and erosion control plan prepared and signed by a Registered Civil Engineer. The plan shall include, but not be limited to, the following measures:

- a) Slope surface stabilization: Temporary mulching, seeding or other suitable stabilization measures approved by the County Engineer shall be used to protect all exposed erodible areas. Earth interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.
- b) Final erosion control measures: During the period from October 15 through April 15, all surfaces disturbed by vegetation removal, grading, or other construction activity are to be revegetated to control erosion.
- c) Control of off-site effects: All grading activity shall be conducted to prevent damaging effects of erosion, sediment production and dust on the site and on adjoining properties.

**DEVELOPER'S STATEMENT FOR THE
VOGEL MINOR USE PERMIT; D000439P**

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

AESTHETIC RESOURCES

- V-1** Prior to issuance of building permit, the applicant shall submit a color board for the proposed stub-mounts, antennas, and temporary water tank. The mounts and antennas shall be a camouflage color and the water tank shall be either dark-green or black.

Monitoring: The Department of Planning and Building shall verify receipt of color board. All colors shall be reviewed and approved by the Department of Planning and Building Division of Environmental and Resource Management.

- V-2** Prior to final inspection, the applicant shall paint the proposed mounts and antennas with a muted matte camouflage color approved by the Department of Planning and Building. The temporary water tank shall be painted or the material shall be colored either dark-green or black. The colors shall be maintained for the life of the project. Repainting and maintenance shall occur as necessary.

Monitoring: The Department of Planning and Building shall verify compliance with approved color board.

BIOLOGICAL RESOURCES

- BR-1** Prior to issuance of building permit, the applicant shall retain a qualified biologist acceptable to the U.S. Fish and Wildlife Service, California Department of Fish and Game and the San Luis Obispo County Department of Planning and Building/Environmental Division. The retained biologist shall perform the following monitoring activities:

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- a) Prior to issuance of building permit and within 30 days prior to initiation of construction, conduct a pre-construction survey for active kit fox dens and submit a letter to the Department of Planning and Building confirming the completion and results of pre-construction survey and compliance with Mitigation Measure BR-2; and,
- b) Conduct weekly site visits during construction activities and submit weekly reports to the Department of Planning and Building to ensure compliance with Mitigation Measures BR-3 through BR-9.

Monitoring: The Department of Planning and Building/Division of Environmental and Resource Management shall verify compliance. The Department of Planning and Building shall verify receipt of pre-construction survey letter and weekly monitoring reports.

- BR-2** Prior to issuance of building permit, roads on the subject property shall be posted with a 15-mile per hour speed limit or lower to reduce the likelihood of road mortality of the San Joaquin kit fox. In addition, vehicular activity between dusk and dawn shall be kept to a minimum. Retained biological monitor shall discuss compliance in initial pre-construction survey letter.

Monitoring: The Department of Planning and Building/ Division of Environmental and Resource Management shall verify compliance. The Department of Planning and Building shall verify receipt of pre-construction survey letter.

- BR-3** Prior to site disturbance, all personnel associated with the project shall attend a worker education program conducted by the retained biological monitor regarding the San Joaquin kit fox. Specifics of this program should include San Joaquin kit fox life histories and careful review of the mitigation measures implemented to reduce impacts. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Department of Planning and Building shall be notified of the time that the applicant intends to hold this meeting.

Monitoring: The Department of Planning and Building/ Division of Environmental and Resource Management shall verify compliance. The Department of Planning and Building shall verify receipt of weekly monitoring reports.

- BR-4** To prevent entrapment of the San Joaquin kit fox during the construction phase of the project, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped San Joaquin kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped San Joaquin kit fox. Any San Joaquin kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

Monitoring: The Department of Planning and Building/ Division of Environmental and Resource Management shall verify compliance. The Department of Planning and Building shall verify receipt of weekly monitoring reports.

- BR-5** During the construction, any pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at the project site for one or more overnight periods shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a San Joaquin kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary will be moved only once to remove it from the path of activity, until the San Joaquin kit fox has escaped.

Monitoring: The Department of Planning and Building/ Division of Environmental and Resource Management shall verify compliance. The Department of Planning and Building shall verify receipt of weekly monitoring reports.

- BR-6** All food-related trash items such as wrappers, cans, bottles, and food scraps generated during the construction phase shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed. All waste products shall be disposed of in a manner that would not attract red fox, coyotes, or domestic dogs to the area.

Monitoring: The Department of Planning and Building/ Division of Environmental and Resource Management shall verify compliance. The Department of Planning and Building shall verify receipt of weekly monitoring reports.

- BR-7** Use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to prevent primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

Monitoring: The Department of Planning and Building/ Division of Environmental and Resource Management shall verify compliance. The Department of Planning and Building shall verify receipt of weekly monitoring reports.

- BR-8** No San Joaquin kit fox dens were observed during the field surveys. However, if any potential or known San Joaquin kit fox dens are subsequently observed during the required pre-activity survey, the following mitigation measures shall apply:

- a. Fenced exclusion zones shall be established by the retained biological monitor around all San Joaquin kit fox dens that can be avoided but may be inadvertently impacted by project activities. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
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 - San Joaquin kit fox pupping den: 150 feet
- b. Only essential vehicle operation on existing roads (if the exclusion zone intersects a road) and simple foot traffic shall be permitted within these exclusion zones. Otherwise, all project activities such as vehicle operation, materials storage, etc., shall be prohibited. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed. If specified exclusion zones cannot be observed for any reason, the U.S. Fish and Wildlife Service and California Department of Fish and Game shall be contacted for guidance prior to ground disturbing activities on or near the subject den or burrow.
- c. If any known or potential San Joaquin kit fox dens are discovered within the building envelope which shall be unavoidably destroyed by the proposed project, excavation of San Joaquin kit fox dens shall not proceed without authorization from the U.S. Fish and Wildlife Service and California Department of Fish and Game.

Monitoring: The Department of Planning and Building/Division of Environmental and Resource Management shall verify compliance. The Department of Planning and Building shall verify receipt of weekly monitoring reports.

- BR-9** Any project contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to a supervisor overseeing the project or operation. In the event that such observations are made of injured or dead San Joaquin kit fox, the applicant shall immediately notify the US Fish and Wildlife Service and the California Department of Fish and Game by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the California Department of Fish and Game for care, analysis, or disposition.

Monitoring: The Department of Planning and Building/Division of Environmental and Resource Management shall verify compliance. The Department of Planning and Building shall verify receipt of weekly monitoring reports.

GEOLOGY AND SOILS

- GS-1** Prior to issuance of building permit, the applicant shall submit a sedimentation and erosion control plan prepared and signed by a Registered Civil Engineer. The plan shall include, but not be limited to, the following measures:
- a) **Slope surface stabilization:** Temporary mulching, seeding or other suitable stabilization measures approved by the County Engineer shall be used to protect all exposed erodible areas. Earth interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.
 - b) **Final erosion control measures:** During the period from October 15 through April 15, all surfaces disturbed by vegetation removal, grading, or other construction activity are to be revegetated to control erosion.
 - c) **Control of off-site effects:** All grading activity shall be conducted to prevent damaging effects of erosion, sediment production and dust on the site and on adjoining properties.

Monitoring: The applicant shall submit a sedimentation and erosion control plan to the Department of Planning and Building/Division of Environmental and Resource Management for review and approval.

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The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

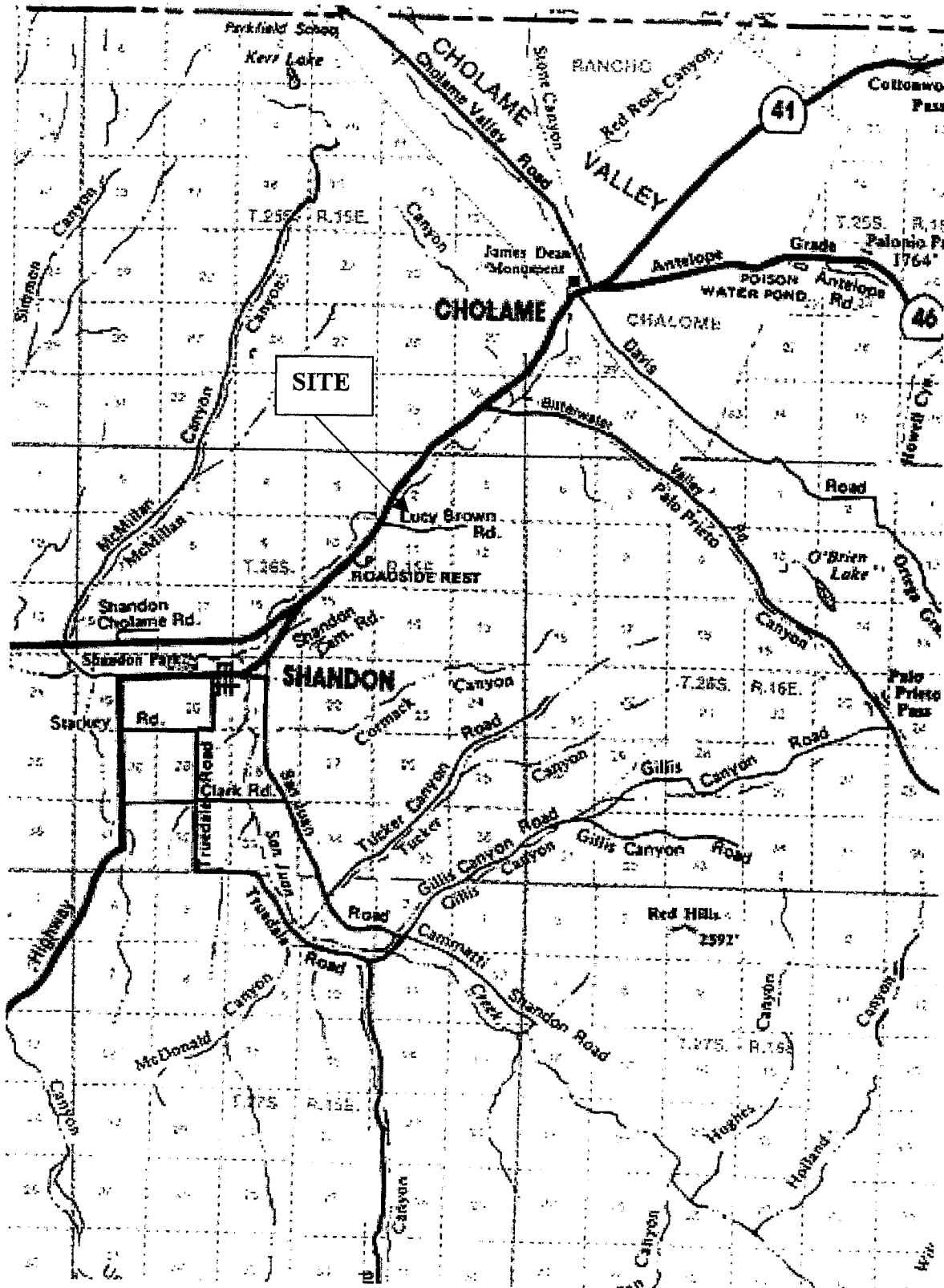
William K. Vogel
Signature of Owner(s)

11-6-02
Date

WILLIAM K. VOGEL
Name (Print)

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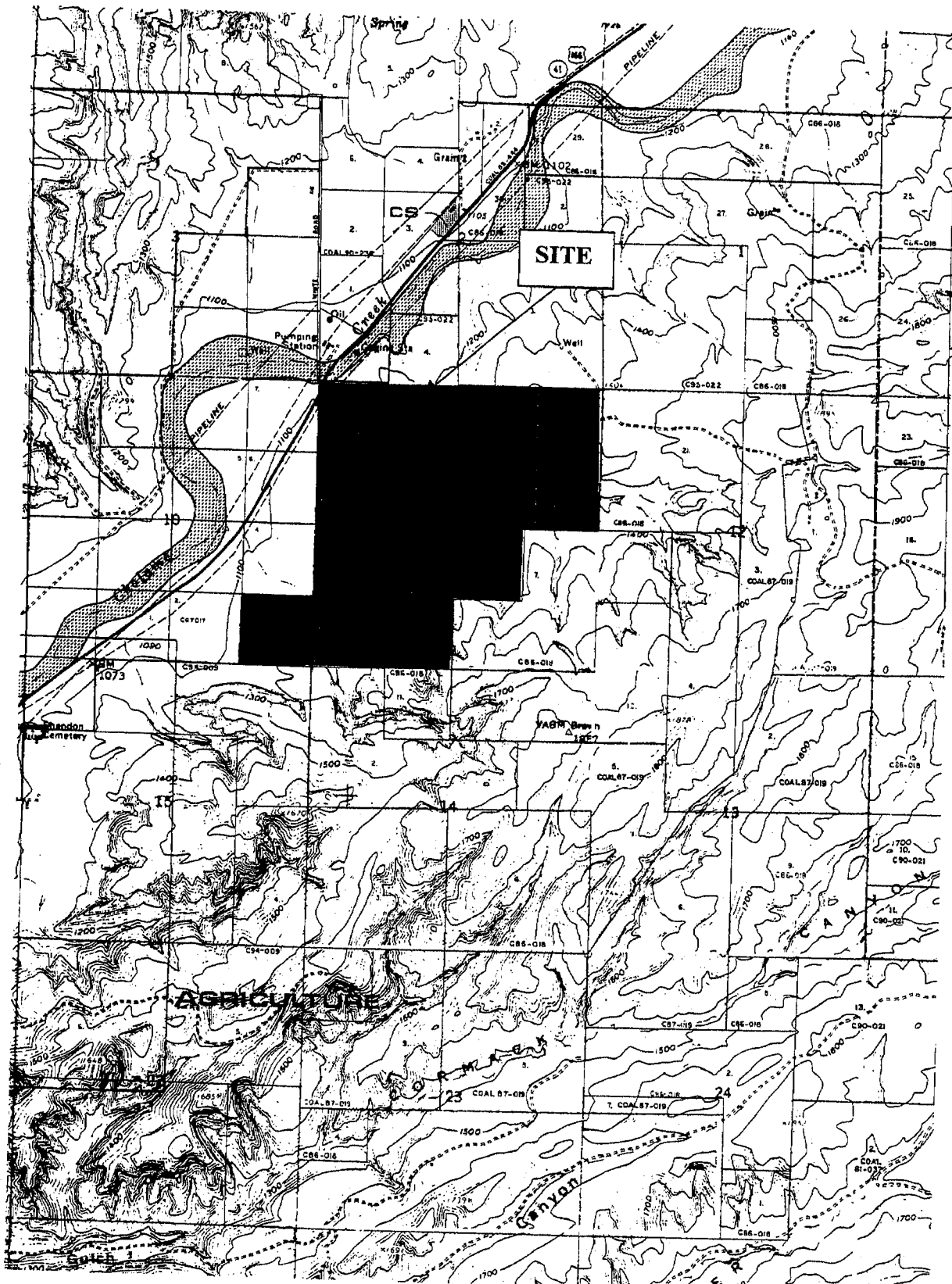
Source: Compass Maps



NORTH
Not to Scale

Morro Group, Inc.

VICINITY MAP
FIGURE 1



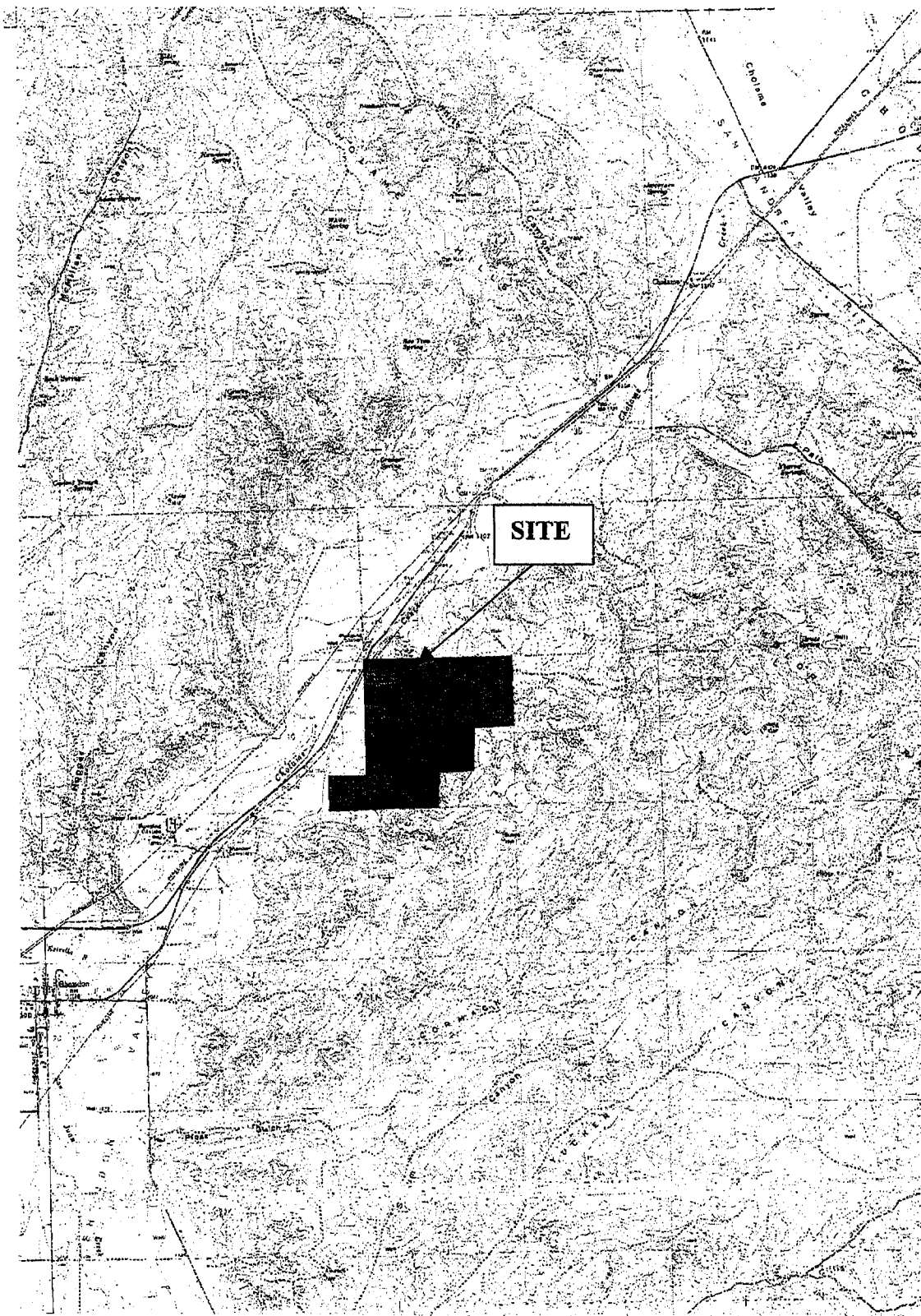
Source: County of San Luis Obispo



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Morro Group, Inc.

LAND USE CATEGORY MAP
FIGURE 2



Source: USGS Quadrangle: Cholame

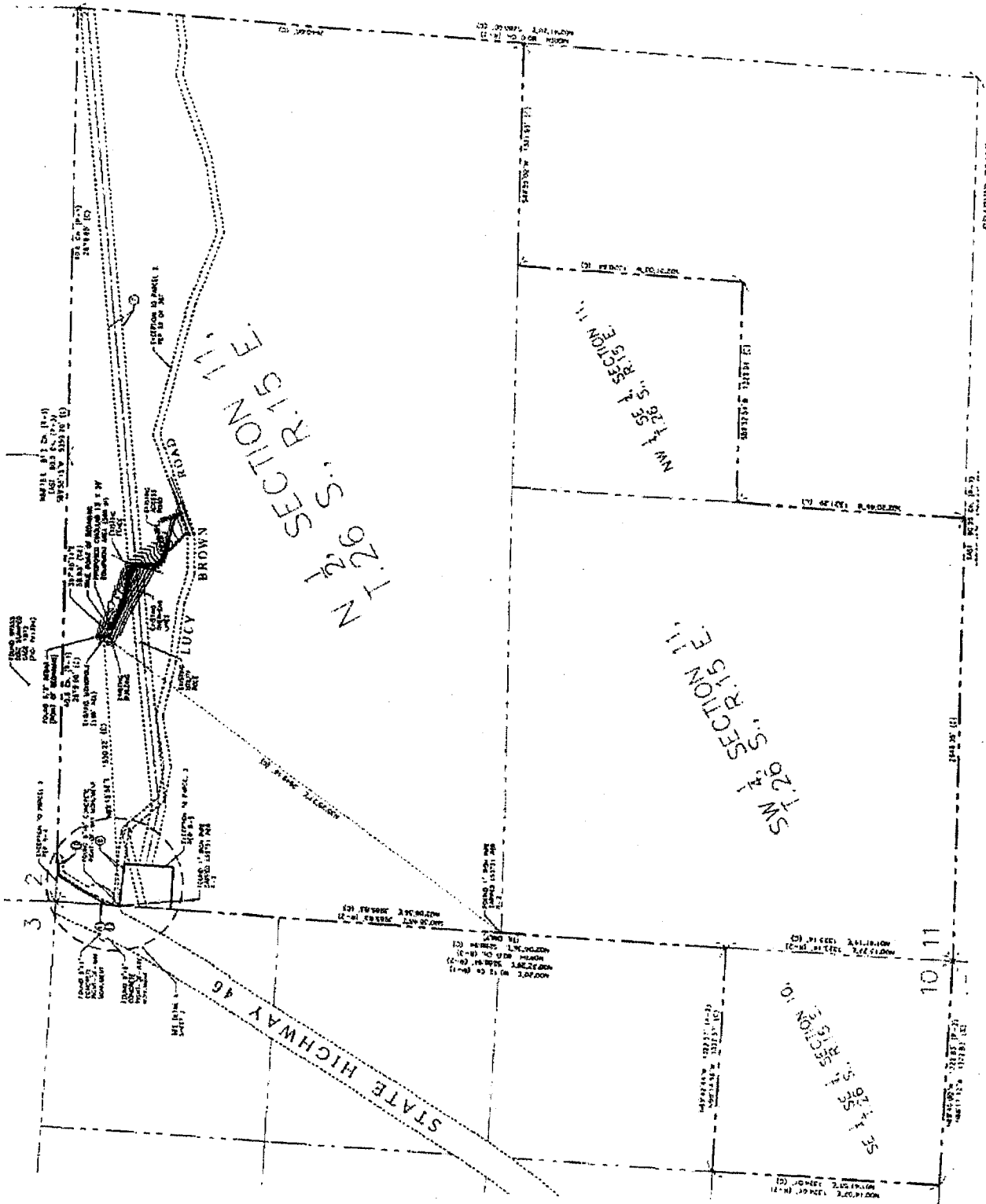


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Negative Declaration



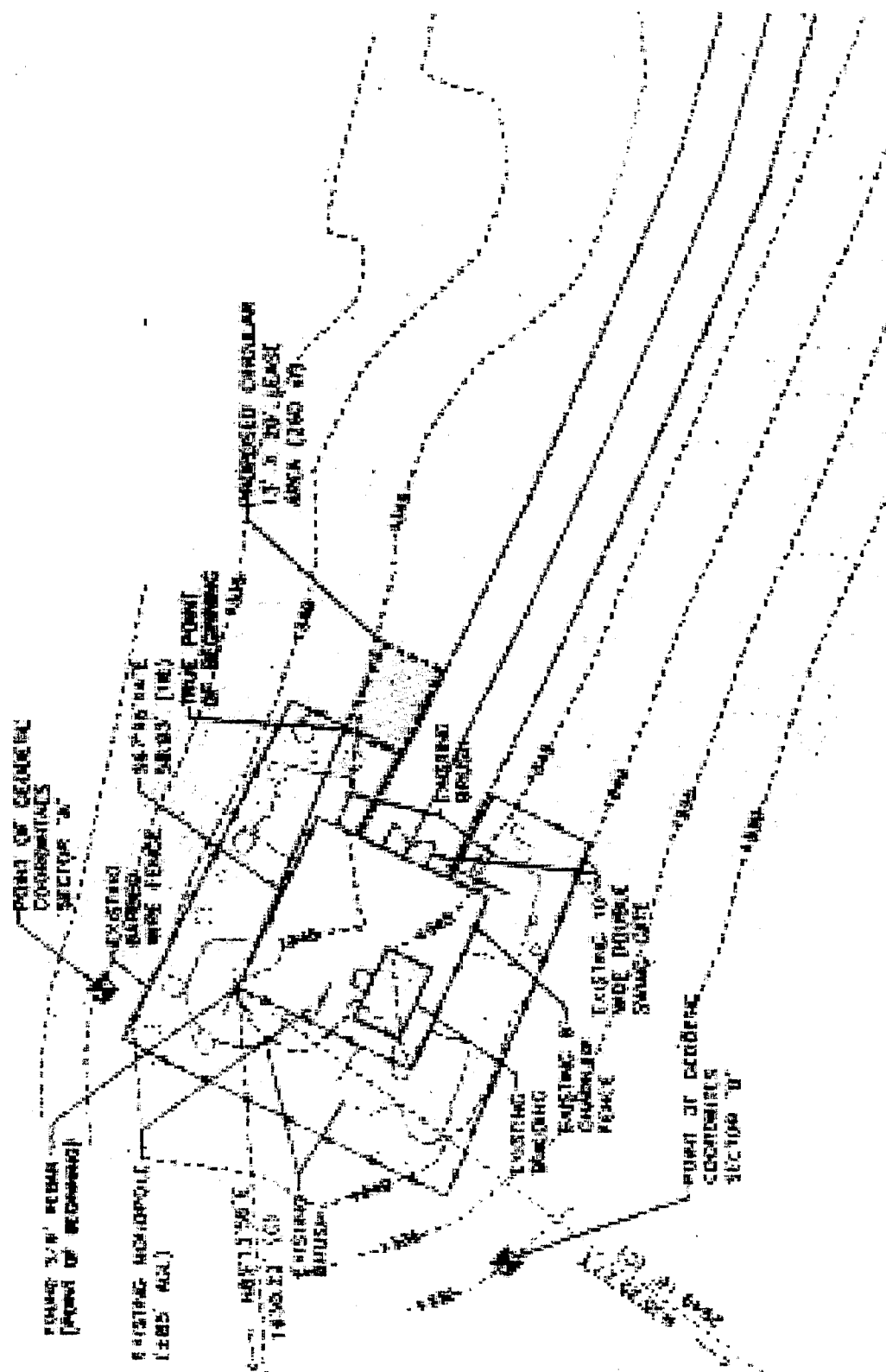
Source: Omni Design Group, Inc.; 06/02



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Morro Group, Inc.

PROPERTY BOUNDARY
FIGURE 4



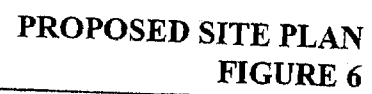
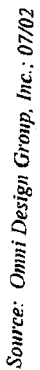
Source: *Omni Design Group, Inc.* 07/02



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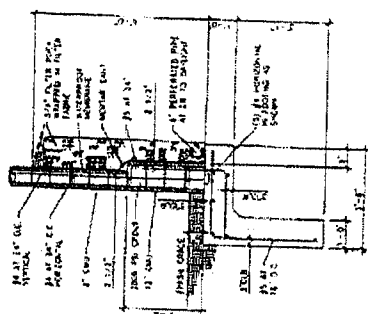
Morro Group, Inc.

EXISTING SITE PLAN
FIGURE 5

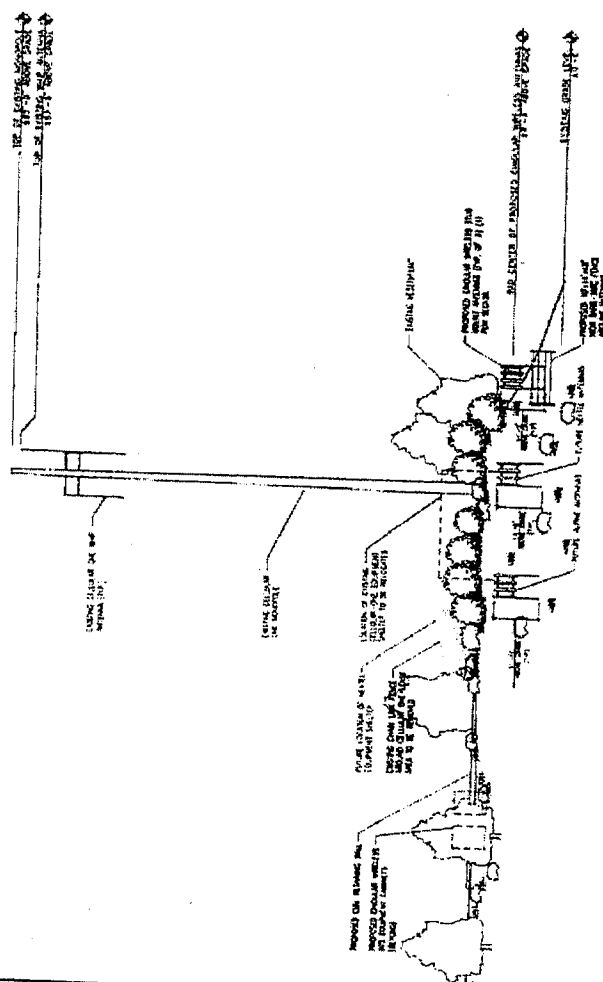
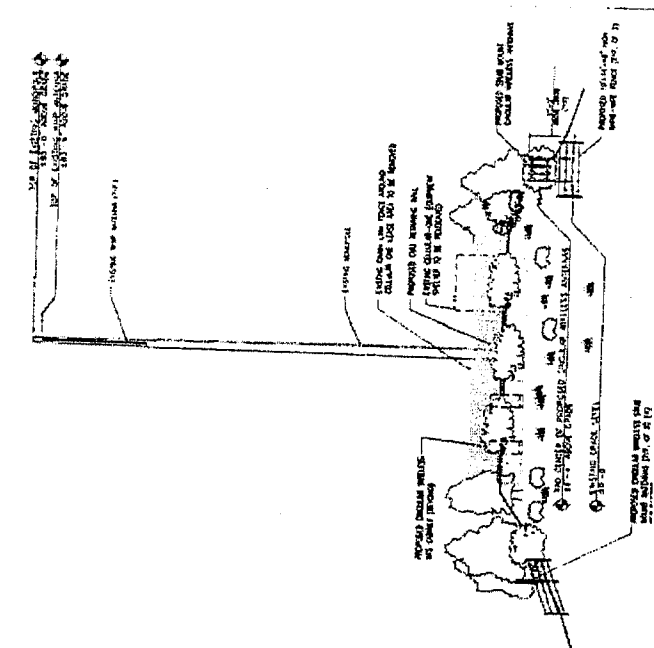




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22 CMU RETAINING WALL DETAIL
SCALE 1/4"=1'-0"



ELEVATIONS FIGURE 8